

MHND120002882024



RCS No. 110/2024
Dattatray S/o Rameshrao
Deshmukh
Vs
Collector Nanded

Order below Exh.42 in Regular Civil Suit No.110/2024

01. The plaintiffs have filed present application for maintaining status quo in respect of the suit property. It is submitted by the plaintiffs that, during pendency of present suit defendant No.2 along with other official members as on 25.12.2024 illegally visited the suit premises and trying to take suit possession of the suit property under the pressure of villagers since the villagers are cited for hungers strick before the defendant No.2. The defendant No.2 has already admitted possession of plaintiff over the suit property by filing his written statement. If defendant No.2 dispossess the plaintiff from the suit property that time they will suffer irreparable loss. The suit property is ancestral property of the plaintiffs. Therefore, they are prayed to to allowed the application.

02. The defendant No.3 by filling his say below present application has strongly opposed the application and submitted that, the application filed by the plaintiffs is not

tenable in eye of law. As per section 20 (A) of Specific Relief Act, it imerges that no injunction shall be granted by a Court in a suit under this Act involving a contract to on infrastructure project specified in the schedule. The Talegao Manur Road measuring 9 kilometer is in possession of Zilha Parishad Nanded since 1981 the mutation entry in 1985 on 7/12 extract of servery No. 285 is challenged by before the Additional Collector Nanded and same is pending. As per the road development plan the said Talegaon Manur Road bearing No. 35 is comes. The defendants trying to implement the Government scheme to develop the unpaved road. Therefore, they are prayed to reject the application.

03. Considering the rival contention of both the sides. So also I heard learned advocates for both the sided. I have gone through the record of case in hand, from it appears that, plaintiffs in their plaint pleaded that they are the owner and possessor of suit property bearing survey No. 285 admeasuring 62 Hector situated at Talegaon Raod Umari, but the 7/12 extract of Gut No. 285 filed on record prima facie goes to show that, the plaintiff No.1 Dattatray Deshmukh holds 40 R land and defendant No.3 Mohanrao Deshmukh hold 80 R land in Gut No. 285. The other land holders are not included in the present suit. The plaintiffs have also filed the 7/12 extract of 1984-1985 on record from it appears that

once Harishchandra Narsingrao holds 62 Hecter land in Gut No. 285 but the plaintiffs no where pleaded that, how they are in possession of 62 Hecter land as pleaded in the plaint. The pleading and documentary evidence on record is prima faice appears to be contradictory with each other, in such circumstances it would not be proper to pass any status-quo order in respect of suit property. Hence, I proceed to passed following order.

ORDER

1	Application stands rejected.
2	Costs in cause.

Date :07.01.2025

(A.P Karad)
Civil Judge, Sr.Dn.,
Bhokar.