

Regular Civil Suit No. 32/2024
Vilas Vs. Ashok

ORDER PASSED EXH.NO.5

(Passed on 30th April of 2024)

1. Read plaint and application Exh.5. Also perused the documents filed on record. Heard the learned advocate Shri.M.R. Charde for the plaintiff.

2. Plaintiff has filed this suit for declaration, permanent injunction and mandatory injunction. Plaintiff has also filed an application under Order XXXIX Rules 1 and 2 and section 151 of C.P.C. It is the contention of the plaintiff that the defendant without getting the permission of any authority has illegally started the construction on the suit property. He further submitted that, the house of plaintiff is thirty years old and there was joint wall between the house of plaintiff and defendant. That on 10.04.2024 the defendant without taking the permission of plaintiff has demolished the joint wall in absence of plaintiff and also trying to encroached about 4 ft land of plaintiff.

3. The learned advocate for plaintiffs prayed for status quo till the deciding the application at exh.5. The reliefs sought by plaintiff is urgent in nature. The court has inherent powers to decide temporary injunction application before deciding objections. In order to decide the application filed at exh.5, it will take its own time. From the perusal of the photographs filed by plaintiff at exh. 10 below list of document it is prima facie seen that the defendant has demolished the wall of house of plaintiff

and also he is trying to build his wall by digging pits without leaving any space towards the house of plaintiff. The plaintiff has also filed the copy of complaint which he filed before Grampanchayat. The plaintiff has also filed the copies of tax receipt of his house. From the perusal of photographs filed by the plaintiff prima facie seen that the defendants has started his construction. If the relief is not granted to the plaintiff prima facie he will faces for irreparable loss which can not compensate in terms of money. Considering above reason I pass the following order.

ORDER

- 1) Defendant is directed to maintain status quo on the suit land till next date i.e. 03.05.2024.
- 2) Plaintiff is directed to comply Order XXXIX Rule 3(a) of Civil Procedure Code.
- 3) E.P. and S.B. is allowed.

Narkhed.
Date:-30.04.2024

(P. R. Patil)
I/c Civil Judge, Jr.Dn., Narkhed,
District-Nagpur.

CERTIFICATE

I affirm that the contents of this P.D.F. file of order are word to word correct, as per original order.

Name of Stenographer- R.M. Parmal (Gr.-III)