


MHNG140008042025 	RCS No.36/2025 Manoj VS Sunita
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ORDER BELOW EXH. 10
(Passed on 16/12/2025)

Heard learned advocate Mr. M.D.Paliwal for the plaintiff.

2. Read the plaint, application for temporary injunction.
Perused the documents.

3. The plaintiff has filed this suit for permanent mandatory injunction and recovery of damage. The plaintiff submitted that he is the owner of Gram Panchayat Malmatta No. 707 total admeasuring area 680 sq ft situated in ward no. 1 Satak, Tah. Parseoni Dist. Nagpur . The plaintiff has constructed his house under the scheme of Gharkul Yojna with legal sanction from the Gram Panchayat,Satak and had left 1.5 feet width and 34 ft long open space towards the southern side of his house for the purpose of repair, whitewash and light, air and ventilation to his house.

4. There is house of defendant No. 1 adjacent to the house of plaintiff towards southern side. The plaintiff got sanction under the scheme of Gharkul and dismental his old house and started construction over the same. That time the

defendants have left 1.5 sq.ft space open towards northern side of his house. Therefore, now there is total 3 ft. width and 34 ft. long space open between the house of plaintiff and defendant No.1

5. The defendants in the second week of November 2025 have broken and damage the RCC column and pipe installed on the southern side wall of plaintiff and right to make encroachment over the open space between the house of plaintiff and defendant by erecting beam of bricks and cement. The defendant are in intention to construct latrine and bathroom over the space illegally .

6. Therefore, the plaintiff prayed for ad-interim temporary injunction refusing the defendant from making any type of construction over the suit property i.e. a 3ft width open space between the house of plaintiff and defendant. The plaintiff further prayed to grant the status-quo against the defendants till the appearance of defendants.

7. In support of the contention of the plaintiff has filed copy of tax receipt, copy of tax assessment receipt, copy of complaint lodge to Gram Panchayat Satak and S.D.O. Ramtek, Moca panchanama prepared by Gram Panchayat, a report lodged to the police station by Gram Panchayat and photograph of the suit property. The Plaintiff further filed copy of letter issued by N.M.R.D.A. and copy of letter of N.M.R.D.A. dt 10.05.2023

8. Tax Receipt and assessment receipt shows that the plaintiff is the possessor of property No. 707 total area is 680 sq.ft. The copy of Tax assessment receipt shows towards southern side of plaintiff there is a house of defendant No. 1. The learned Advocate for the plaintiff further submitted that the lands of plaintiff and defendant are the government land. The plaintiff has constructed his house under the scheme of Gharkul Yojna as per the norms decided by the N.M.R.D.A. In support of these contention Gharkul Sanction letter Dt. 21.02.2003 is on record. This letter shows that the N.M.R.D.A. Directed to the plaintiff to produce a sanctioned Map for the construction thereafter the construction will be started. In compliance of said direction the plaintiff had got sanctioned the map and as per the condition No. 8 in the letter dt. 10/05/2023 the plaintiff has kept open space towards the southern side of his house.

9. The copy of Moca Panchanama prima facie shows that there is a open space between house of plaintiff and defendant said open space is common space for the use of plaintiff and defendant. Defendant is going to construct on this common open space therefore, the Gram Panchayat had lodged complaint to police station.

10. Prima facie it appeared that the open space which is mentioned as word "ABCD" in the plaint map is for the use of the plaintiff to whitewash, repair and for the purpose of light , air, and ventilation is required to be protected. The plaintiff has filed today's photograph of disputed portion. The learned

Advocate for the plaintiff submitted that there is no any construction on today over the disputed portion "ABCD" except there is a beam of bricks and cement. The plaintiff prayed to maintain the today's status of disputed portion "ABCD" not to the construction of house of the defendant. As considering the above facts and circumstances the following order is passed.

ORDER

i	Both the parties are directed to maintain the today's status of open space which is mentioned as word "ABCD" in the plaint map by this status-quo order till the defendant appears and files his say to the application for temporary injunction.
ii	Issue show cause notice to the defendant as to why the order of status-quo should not be continued till further order or till specified time. Notice returnable on 23.12.2025
iii	Special bailiff is allowed.
iv	Emergent process is allowed.
v	The plaintiff shall comply with the provisions Order 39 Rule 3 of Code of Civil Procedure

Dt 16.12.2025.

(G.O.Wankhade)

Civil Judge Jr. Division, Parseoni

CERTIFICATE

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

Name of Stenographer-A.B.Tamgadge