

Reg.Civil Suit No.11/2025
Santosh Segoji Titarmare and others
Vs
Raju Sitaram Titarmare and others
Order on below Exh.-18
(Dated 11.04.2025)

This is an application filed by the plaintiffs for grant of status quo till filing of reply by the defendant.

2. Plaintiffs submitted that they filed the suit for possession, declaration, mandatory and permanent injunction against the defendants along with an application for grant of temporary injunction below Exh.5 with prayer for injunction in view of the serious apprehension of continuation of illegal construction by defendant nos.1 and 2 into area owned and possessed by the plaintiffs. Plaintiffs wants to expedite the matter and there is urgency as the threat looms large from the defendant nos.1 and 2, who are adamant and have issued several threats to continue and erect unauthorised and illegal construction on area encroach by them as shown him in the Plaint Map by letters **ABCDE** क **A** in detail. Defendants are appeared before the Court but they did not file reply on below Exh.5, then, plaintiff to save him from irreparable loss and to keep alive the suit and to avoid the multiplicity of the proceedings prayed that defendant nos.1 and 2 maintain the status quo in respect of the construction of the suit property as on date. Hence he prayed for allowed the application.

3. Defendant nos.1 and 2 appeared through their counsel Shri. Nagoshe and filed their reply to this application they objected the application on the ground that the land survey of suit property is

completed by City Survey Office and its Map and K-Prat is already filed but the plaintiffs did not measure his land from Land Survey Office so, they have no prima facie case, defendants constructed his house on the space of his owned house. Plaintiffs sent a notice to the defendants on 14.02.2025 for stop the construction. The notices were received by the defendants but thereafter, plaintiffs filed this suit on 24.03.2025 it means he filed his suit after 40 days of sending notice. As per the Plaint Map plaintiffs have not prima facie case. On the contrary, defendant nos.1 and 2 are poor person, if, their construction was stopped they will cause financial loss. Defendants have constructed there house after the permission of Gram-Panchayat and his construction was hereby completed. So, if the application is allowed it will cause more loss than plaintiffs. Hence they prayed for reject the application.

4. Defendant nos.3 to 8 are appeared and filed an application for giving time to file reply. However, as per the prayer of plaintiffs at Exh.18 it is only against the defendant nos.1 and 2.

5. On perusal of document on record and reading of plaint and also considering submission of both the parties it appears that according to the plaintiff they are the owner of City Survey No.393 which is situated at Mouza Tas, Taluka Bhiwapur, District Nagpur. In the City Survey Number 393 it includes, there is a Gram-Panchayat House No.132 and some vacate portion and the total area of City Survey Number 393 is 2664 sq.ft. The plaintiffs have filed on record the copy of tax receipt through which prima facie it appears that they are the owner of the suit property. As per the Plaint Map which is

prepared by Civil Engineer. As per the Plaintiff Map defendant nos.1 and 2 encroach upon area ABCDE ऋ A. The plaintiffs have also filed on record document no.11 in which the area of ABCDE ऋ A is included in city survey no.393. Defendants also admitted that the construction is in progress, therefore, considering the Plaintiff Map, Tax Receipt and the Document No.11, it appears that, plaintiffs are owner of City Survey Number 393 and due to the construction of defendant nos.1 and 2 they constrain to file this suit. Therefore, considering the above it is necessary that the status quo may be granted to the plaintiff till the filing of written statement of Defendant no. 1 and 2. Hence, I pass following order.

Order

Defendant nos. 1 and 2 are directed to maintain the status quo of the suit property till filing of their written statement.

Bhiwapur
Date :-11.04.2025.

Sd/-
(S. J. Lad)
Civil Judge Junior Division
Bhiwapur.