

**Regular Civil Suit No. 82/2024****Premchand Vs. Rambhau****ORDER BELOW EXH. 18**

This application filed by the plaintiff to grant status quo in this matter.

2. Heard Ld. Adv. of both parties.

3. The plaintiff has submitted that he has filed suit for declaration, partition, separate possession and mandatory injunction. During the pendency of this suit the defendant No.1 is started making illegal construction on suit property – A, without getting partition in written and bound and giving share of the plaintiff. The plaintiff was raised the objection before the Nagar Parishad Kalmeshwar. Thereafter, Nagar Parishad Kalmeshwar issued letter dtd. 18.06.2024 to son of defendant No. 1 namely Vilas Rambhau Bodkhe and Nilesh Rambhau Bodkhe to restrain illegal construction immediately. But, they have not stopped the illegal construction. The pendency of this suit the defendant will carry out illegal construction on suit property and entire purpose filing of this suit will be frustrated. Hence, grand status quo in the interest of justice.

4. The defendant No.1 has filed his say below Exh. 19 and submitted that the construction on the suit property house is sanctioned on the name of son of defendant No. 1 Nilesh Rambhau Bodkhe who is not made as a defendant by the plaintiff. The defendant No.1 having four shares in the suit house property and he is constructed on the suit house property on 4/6<sup>th</sup> shares as per the P.M.A.Y. Scheme. Therefore, suit against the

defendant No. 1 in respect of the construction is not maintainable Defendant No. 3 also filed his say below Exh. 20 and submitted that the son of defendant No.1 namely Nilesh Rambhau Bodkhe started illegal construction over the suit property-A. The suit property has not partitioned between the co-owners. Therefore, this application is allowed with the interest of justice.

5. I have gone through the record, it appears that the plaintiff has filed this suit against defendant No. 1 to 7. But, as per their allegation son of the defendant No. 1 is started illegal construction on the suit property. But, plaintiff has not made party to him. Also, as per the document that P.M.A.Y. Scheme has been granted in the name of Nilesh Rambhau Bodkhe. Also, defendant No. 1 have a 4/6 share in suit property. Therefore, at this stage it is not just and proper to grant status-quo. Hence, I pass the following order.

**ORDER**

Application is rejected.

Date:25.10.2024  
Kalmeshwar

( R. L. Rathod)  
Civil Judge Junior Division,  
Kalmeshwar.

**CERTIFICATE**

I affirm that the contents of this PDF file order are same word to word, as per the original Order.

Name of the Stenographer       :-     R.S. Daware (Gr. III)