

RCS No. 28/2021
Taked Budruk II V/s. Yadav Memane
MHNS230007032021

ORDER BELOW EXH.13

Heard Mr. R. G. Waje and Mr. A. R. Tokade, the learned advocates for plaintiff and defendant. The plaintiff is seeking relief of status-quo by way of present application. The suit is instituted claiming relief of declaration, perpetual and mandatory injunction. According to plaintiff, defendant is raising construction over the property owned by village panchayat. Defendant submits that the construction is being raised not over the property of village panchayat but over the property owned by himself.

02 Before granting relief of status-quo, the court has to satisfy itself about the present status of the suit property. By this time, there is no map on record. However, the say filed by defendant overleaf this application reveals that he is raising some construction. The permission is not yet filed on record. Therefore, if the construction is being raised in the property of village panchayat, major loss would be caused to it. Therefore, it is expedient to stop the construction as such till the court is satisfied that it is not being raised over the property of village panchayat. In the circumstance, both the parties are hereby directed to maintain status-quo as on today till the filing of say by defendant on application Exh.05. The plaintiff is directed to argue the matter at the earliest after the defendant has filed his say.

Date: 26.02.2021

(P. P. Giri)
Civil Judge(J.D.), Igatpuri