

CNR NO.- MHNS-2800-0003-2026

ORDER PASSED BELOW EXH. 15

(Gulab Jagannath Gaikwad
Vs
Ratna Sambhaji Gaikwad & Ors.)

Heard Ld. Adv. Shri. S. A. Bhalerao for plaintiff. Perused application seeking order of status quo Exh. 15 and the documents produced on record. Present suit has been filed seeking relief of perpetual injunction. It is contended by the Ld. Adv. for plaintiff that the suit property mentioned in para 1 of the plaint was purchased jointly by plaintiff and defendants vide sale deed dtd. 26/04/2019. Since, the purchased of suit property the plaintiff and defendants are in possession over suit property. The respective portion of plaintiff and defendant admeasuring 20 R each was not determined till today by fixing boundaries. The sale deed is not clear about the respective portion. In such circumstances both the defendants are carrying out the construction over suit property. The latest photographs of the construction are filed on record. He prayed that if, defendants are not restrained then plaintiff will suffer irreparable as he is the joint owner of the suit property. Lastly, prayed for grant of status quo.

02. Defendant nos. 1 and 2 appeared and filed say to this application. Defendant no. 1 submitted that he has

raised the tin shed and the work of tin shed is completed. Defendant no. 1 is residing in that shed. Defendant no. 2 filed his say below Exh. 17 and submitted that the plaintiff has instituted false and frivolous suit. Since, execution of sale deed plaintiff and defendants are cultivating their respective share. Defendant no. 2 has never obstructed the plaintiff's possession. Defendant no. 2 is raising construction over his portion of land as the old tin shed was in dilapidated condition. Already, the defendant no. 2 has invested huge amount for raising construction. If, the construction work is stopped then defendant no. 2 will suffer irreparable loss. Lastly, prayed for rejecting this application.

03. On perusal of application and documents on record it reveals that the defendant nos. 1 is wife of deceased brother of plaintiff and defendant no. 2 is the real brother of plaintiff. Admittedly, the suit property was purchased jointly by virtue of sale deed dtd. 26/04/2019. It is the contention of plaintiff that the boundaries of respective portion are not a fixed. On perusal of sale deed dtd. 26/04/2019 the boundaries of respective portion of plaintiff and defendant nos. 1 and 2 is not mentioned. There is prima facie no record which determines that the boundaries of the respective portion of plaintiff and defendants are determined. The construction work at the hands of defendant no. 2 is not denied. The photographs filed on record prim facie affirms the contentions of

plaintiff. The real boundary dispute needs to be adjudicated. If, the construction work is completed then the very purpose of institution of this suit will be frustrated. Considering the urgency and documents filed on record it requires time to adjudicate this matter on its merit. Further, defendants have not yet filed their written statement and the construction work is in progress. It shows that defendants are completing the construction work and making time for filing written statement. At this juncture it will be appropriate to maintain status-quo by both the parties till next date. Therefore, I proceed to pass following order.

ORDER

1. Application is hereby allowed.
2. Both parties are directed to maintain status-quo till next date. i.e. defendant nos. 1 and 2 are directed not to construct new construction over suit property.
3. The defendants are directed to file their say to Exhibit No.5 by next date so that the application at Exhibit No.5 can be proceeded expeditiously. Both parties are directed to proceed with hearing of Exhibit No. 5 expeditiously.

Place : Sinnar.
Date : 09/02/2026.

(**Shri. L. C. Wadikar**)
Civil Judge Junior Division, Court,
Sinnar.