

ORDER BELOW EXH.8 IN R.C.S. No. 74/2024

Renuka Vs. Dashrath & Ors.

(Passed on 05/07/2024)

Perused the record. Heard for plaintiff.

2] This is an application for stay on construction in the suit property. Ld. Advocate for plaintiff submitted that defendant No.1&2 have started the construction over the suit property. It is further submitted that, the suit properties are of the common ancestral properties of plaintiff and defendant and the partition and remarking of boundaries of the said properties is yet to be done. Plaintiff in support of his submission filed his affidavit, so also filed photographs of construction.

3] I considered above submissions along-with record, 7/12 extract and extract of village form No.8 shows the name of husband of plaintiff over the suit property. She also stated on affidavit that she filed the present suit against defendants for the declaration and injunction and they are constructing the house on the suit property. Moreover, defendants appeared before the court and demanded legal aid. As per their demand, sufficient opportunity is given to them. But it is seen that defendant neither appeared nor complied as per their demand. So at present, there are sufficient grounds to prima-facie hold that plaintiff has interest in the suit property and defendants are trying to construct over the suit property. In such scenario, I am of the opinion that, interest of the plaintiff in the suit property needs to be protected. Thus, plaintiff has made out the case for status-quo. Hence, following order-

:-ORDER:-

- 1) Application is allowed.
- 2) Defendant No.1 and 2 are restrained from construction over the suit property till their filling written statement / say.

Place : Bhor
Date: 05.07.2024.

(Meena W. Jadhav)
Jt. Civil Judge Jr. Div., Bhor.

