

## **Reg. Civil Suit No. 403 of 2025.**

**Order Below Exh.23**

**( Date : 09.02.2026 )**

Perused the application and say. The plaintiff is seeking status-quo against defendant. The present suit has been filed by the plaintiff for restraining defendant from raising the construction over the suit property CTS No.155. The plaintiff claiming that the suit property is jointly possessed by defendant and himself. He has filed photographs on record to show the progress in construction started by the defendant. The defendant by filing pursis informed that say filed to interim application at Exh.5 be considered say to present application. Defendant has also filed application under Order VII Rule 11 of the CPC. The plaintiff has claimed that partition of suit property is not yet effected. However, defendant come with the case that partition has already been effected in they year 1995 and accordingly Grampanchayat extracts have been prepared separately. According to defendant he raising the construction over the area allotted to him in partition. He also filed documents on record to show that partition of agriculture properties has already been effected in between plaintiff, defendant and other co-sharers. The dispute between the parties appears to be regarding partition and possession. Both the parties appears to be possessor of the property and not owners. In such circumstances, without commenting anything on merit, it is difficult to ascertain that defendant raising construction over suit property jointly possessed by the parties. Prima facie it is difficult to rely on the apprehension shown by the plaintiff. As the defendant has filed say over Exh.5 it would be proper to

decide the application at Exh.5 on merit finally. The application under Order VII Rule 11 has also to be decided firstly. Considering the record, no circumstances appears to grant the status-quo as prayed by the plaintiff. Hence, application is rejected.

Place : Saswad.

Date : 09/02/2026.

*I/c.* Civil Judge, Junior Division,  
Saswad, Dist. Pune.