

REGULAR CIVIL SUIT NO.04/2024

(Nagesh bhiku Dhadase Vs Avinash bhiku Dhadase)

ORDER BELOW EXH.16

DATE : 12/01/2024.

1. This is an application filed by the plaintiff to grant *status-quo*. Read the application and say. Heard the learned advocates of the both sides.
2. According to the plaintiff, the suit property is ancestral property. The interest of the plaintiff and defendants is invested in the suit property. Defendant No.1 is constructing and the repairing house without the permission of the plaintiff and other co-sharer. On the other side, the learned advocate argued that, the defendant No.1 is having possession over the suit property. The work of repair is completed and defendant No.1 has filed photocopies of the suit properties along with Exh.18. The learned advocate of the plaintiff argued as per the contention of the application.
3. Considering the arguments of the both sides, it is admitted that Bhiku Dhadase is father of plaintiff and defendant No.1. The assessment extract produced along with Exh.7 shows that the name of owner is Bhiku Sudakya Dhadase. As per the contention of the plaintiff, his father is no more. The relation between plaintiff and defendants is not in dispute. The plaintiff produced photocopies of the suit

properties to show situation and factual aspects. Defendant No.1 is also produced photocopies to show situation of suit properties along with Exh.18/1.

4. Considering the rival submission of the both learned advocates, defendant No.1 is repairing or constructing house i.e. suit property is in dispute. The detail say regarding application for temporary injunction yet has not be filed. The plaintiff relied on the notice dt.08/01/2024 issued by Grampanchayat to defendant No.1. It *prima-facie* show that defendant No.1 is constructing or repairing house. Prior to this application, the plaintiff filed ex-party ad-interim temporary injunction. The notice of that application is issued to defendant No.1. Today, defendant No.1 has filed adjournment application to file his say. In the absence of the detail say of defendant No.1, the interest of the plaintiff is necessary to protect. Hence, I pass the following order.

ORDER

1. The application is allowed.
2. Status-quo is granted till next date.

Place: Mandangad
Date: 17.01.2024

(M. A. Shinde)
Civil Judge, Junior Division
Mandangad.