



CNR No. MHSI070000702022

Order Below Exh.26 (I.A.No.2/2022) in R.C.S. No. 17/2022

This is an application filed on behalf of the plaintiff praying for order against the defendant no.1 to maintain status quo.

2) Heard learned advocate Shri.S.V.Dhamapurkar for the plaintiff and learned advocate Shri.A.S.Gawade for the defendant no.1. Perused the application and say. Perused the record of the case.

3) It is submitted on behalf of the plaintiff that, the plaintiff has made an application for temporary injunction (exh.5) against the defendant no.1, as he is constructing a house building of permanent nature in the suit property. The defendant no.1 has sought time to file his written statement and say on the application at exh.5. In case, he is granted time to do so, there is a possibility that the defendant no.1 might continue with construction of the house building. Therefore, it is prayed that the defendant no.1 may be directed to maintain status quo in respect of the construction of house building in the suit property, till his filing of say on the application for temporary injunction at exh.5. Otherwise, the plaintiff would suffer an irreparable loss.

4) On the other hand, it is submitted on behalf of the

defendant no.1 that the present application is false and frivolous. That no construction at the hands of the defendant no.1 is in progress. The present application is filed with intent to harass the defendant no.1. Hence, it is prayed that the application maybe rejected.

5) Perusal of record of the case shows that the relief of temporary injunction was not granted to the plaintiff *ex parte* and notice was issued to the defendant no.1. Vide the present application, the plaintiff is praying for order of status quo against the defendant no.1, on the count that the defendant no.1 has sought time to file W.S. and his say to the application at exh.5. And in case, he is granted time to do so, there is a possibility that the defendant no.1 might continue with construction of the house building. However, the plaintiff has not produced any material on record in support of his claim made in the present application and to show that there is change in circumstances since the day on which notice was issued against the defendant no.1 in respect of the application at exh.5. Moreover, the contents in the present application are not supported by an affidavit of the plaintiff. Therefore, for the aforesaid reasons, it would not be appropriate to grant the relief of status quo/ad-interim injunction as prayed by the plaintiff. Hence, the following order is passed :-

:- ORDER :-

The application is rejected.

Place : Malvan

Date : 23/02/2022

Aditya G. Naik

Jt. Civil Judge Junior Division, Malvan

CERTIFICATE

It is certified that the contents of the present PDF file are true and correct as per the original signed order/judgment.

Deepali D. Parab
Name of stenographer