



ORDER PASSED BELOW EXH.20 IN R.C.S. NO.52/2022
CNR.No.MH-SI-08-000353-2022

1. The plaintiffs have filed the present suit for declaration and permanent injunction wherein they have filed the present application for status quo against defendant No. 1.

2. It is the case of the plaintiff that, the registered sale deed dated 01/01/2016 has executed between defendant No. 2 and defendant Nos. 3 to 16 also registered sale deed dated 10/02/2022 has executed between defendant Nos. 1 and 2. Both these sale deeds in respect of the suit properties are false, frivolous and illegal and not binding on the plaintiffs. Hence prayed for declaration and permanent injunction defendants. It is further contended by the plaintiffs that, the name of the defendant Nos. 1 and 2 have recorded to 7x12 extracts of the suit property but plaintiffs are in actual possession of the suit property. According to plaintiffs, defendants have cheated the plaintiffs and executed the registered sale deed without their consent. According to plaintiffs, the defendant No. 1 has started unauthorised construction on the suit property. The said construction is illegal and without permission of the Grampanchayat. The Grampanchayat, Shirval, Taluka Kankavali has given notice dated 02/05/2022 to defendant No. 1. Instead of this defendant No. 1 has started unauthorised construction on the suit property. If defendant No. 1 will continue the said construction then the main purpose of the suit will be defeated. There is a prima facie case and balance of convenience

is in favour of plaintiffs.

3. Perused the application. The application is supported by affidavit. Heard Ld. advocate for the plaintiffs Shri. S.K. Marathe.

4. Perused the documents on record. Plaintiffs have filed notice issued by Grampanchayat, Shirval dated 02/05/2022 and the photos of the suit property vide Exh. 19/1 and 19/2. On perusal of the said notice it prima facie appears that, the Grampanchayat, Shirval has issued the notice to the defendant No. 1 and informed her to stop the construction raised by her on the suit property. The said construction is not with the permission of Grampanchayat and unauthorised. Instead of this she has constructing on the suit property illegally. Admittedly after perusal of the 7x12 extract of the suit property it appears the name of the defendant Nos. 1 and 2 as a owner of the suit property. But after perusal of the documents on record and photos it is prima facie seen that, defendant No. 1 has started construction of the plinth without permission of the Grampanchayat illegally by making encroachment over the suit property and accordingly Grampachayat has sent notice to defendant No.1. The prima facie case and balance of convenience is in favour of plaintiffs. If defendant No. 1 will continue the said construction and succeed to complete the construction then the suit become infructuous and plaintiffs will suffer irreparable loss. Hence it would be just and proper to direct the defendant No. 1 to maintain the status quo in respect of the suit property till her

appearance and to file her say. Hence I pass the following order.

:- ORDER :-

- 1 The defendant No. 1 is directed to maintain status quo till her appearance and to file her say.
- 2 The plaintiff to comply the provisions of Order XXXIX(39) Rule 3(a) of the Civil Procedure Code, 1908.
- 3 Issue show cause notice to the defendant No. 1 as to why temporary injunction should not be granted against her as prayed.
- 4 Notice returnable on 12/07/2022.
- 5 EP and SB allowed, if prayed.

Date:-05/05/2022

(Smt.D.K.Patil)
Jt. Civil Judge (J.D.),
Kankavali.
MHSI08-3114