

CNR No :- MHSI100000482025



–: **Regular Civil Suit No. 14 of 2025** :-

–: **Order Below EXH-05** :-

Today, Ld. Advocate Shri S. P. Desai appeared before the Court seeking an ad-interim temporary injunction against defendant No.1 as she is raising the construction in joint property.

2. He further argued that, the suit property, being ancestral, has not been partitioned to date. Defendant No. 1 is the plaintiff's real sister, and both have an undivided interest in the suit property. In such a situation, defendant No. 1 raises the construction in the suit property. He also produced photographs showing construction. Hence, he prayed that defendant No.1 be restrained from raising the construction or status of the property be maintained as there is the possibility of change in the nature of the suit property.

3. I reviewed the *prima-facie* documents provided by the plaintiff. It appears that, the 7/12 extract for the suit property, survey No. 33/10 and 34/20 lists both the plaintiff and the defendants as joint owners. However, the concept of joint property is not recognized under Mohammedan Law, which stipulates that the shares of heirs are determined at the time of the deceased's death. Given that the plaintiff has an interest in the suit property, regardless of its extent, any construction activity could potentially impact their interest. Therefore, the urgency of the matter needs to be addressed. It has been reported that defendant No.1 is currently constructing on the suit property, which may adversely affect the plaintiff's interests. Hence, I pass following order–

-:: ORDER ::-

1. Defendant No1. is hereby directed to maintain status-quo in suit properties survey No.34/20 situated at Village Sateli, Tal. Dodamarg, Dist. Sindhudurg as to construction as shown by the plaintiff in photographs i.e. excavation made for laying foundation as it is till the filing say in present matter R/o- 04.04.2025.
2. Plaintiff to comply order XXXIX Rule 3 (a) and (b) of the Civil Procedure Code, 1908 within 3 days from this order.
3. On failure to comply, above conditions relief of status-quo will be vacated.

Place : Dodamarg.
Date : 18/03/2025.

(R. G. Kumbhar)
I/c. Jt. Civil Judge (JD),
Dodamarg.