

ORDER PASSED BELOW EXH. 5

Passed on 07.10.2015

1. The present suit is filed for injunction and encroachment. Plaintiff has filed interim application and prayed that defendant shall not obstruct and encroach upon the suit property. Moresoever, the plaintiff has also filed number of documents vide Exh.3, Exh.25 and Exh.27. Defendant has also filed his documents vide Exh.32.
2. Plaintiff has submitted that the defendant is trying to use the police machinery for taking the possession of suit property and as the matter is sub-judice before the court, plaintiff prayed that the defendant should not abuse the process of law until the matter is adjudicated.
3. Today both parties were present before the Court and they have filed affidavits at exh.33 and 34. They both have committed not to abuse the process of law. Therefore, the object of interlocutory application is to protect and preserve the rights of parties, it would be just and proper to maintain the status-quo until the matter is adjudicated by law. In view of rulings of Apex Court in the case of Maria Margarida Sequeria Fernandes and Others Versus Erasmo Jack de Sequeria(Dead) through L.Rs.CIVIL APPEAL NO. 2968 OF 2012. (Arising out of SLP (C) No. 15382 of 2009) Supreme Court, "It is imperative for the court to carefully analyze the pleadings of both the parties and the documents on record considering the principles of law". Thus, the status-quo is maintained between both the parties

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in order to prevent any abuse of the process of law. Hence, the order.

ORDER

1. Both the parties are directed to maintain status-quo, till further orders.

Sd/-

Jath,
Date: 07/10/2015

(K. M. Chakranarayan)
Civil Judge Jr. Division, Jath

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Maria Margarida Sequeria Fernandes and Others Versus Erasmo Jack de Sequeria(Dead) through L.Rs.CIVIL APPEAL NO. 2968 OF 2012 (Arising out of SLP (C) No. 15382 of 2009) Supreme Court