

ORDER BELOW EXH.5

The learned advocate Shri. S.A. Patil for plaintiff argued that suit property B is allotted to the plaintiff in oral partition. However, defendant Nos. 1 to 3 are trying to encroach thereon and make construction. He prayed to grant status-quo order to maintain the position of suit property. He also relied documents filed alongwith suit.

I have carefully perused the record. As per plaintiff's contention the suit property is ancestral. The plaintiffs pleaded about oral partition. But, it is not effected. There is no document to establish to effect of oral partition. On the contrary, the letter issued by Grampanchayat itself established the defence of defendant as that property owned by them. Therefore, there is need to hear defendants before passing any order. It may help to grant an opportunity and put forward defence of defendants. Hence, at this stage granting status-quo order will amount to injustice. Hence, I pass the following order.

ORDER

1. Issue show cause notice to defendant Nos. 1 to 3 as to why temporary injunction should not grant as prayed.
2. E.P and S.B. is allowed.
3. Order dictated on computer and pronounced in open court in presence of learned advocate Shri. S.A. Patil.

Date- 18/12/2023.
Shirala.

sd/-
(S.A. Surjuse)
Civil Judge (Jr.Dn.), Shirala.