

**ORDER BELOW EXH. 16**

1. The present application is filed by the plaintiff for passing status quo order in respect of suit property.

2. It is the contention of the plaintiff that, he has filed present suit for injunction and for restraining defendant no. 1 to 3 from committing encroachment and erect construction on the suit property B. Suit summons are served to the defendants but they have not filed written statement or say. The defendant no. 1 to 3 have started illegal construction on the suit property B. If the defendants continued and completed the construction the purpose of suit will be frustrated and it will also cause multiplicity of proceeding. The plaintiff will suffer irreparable loss. Hence, the plaintiff to pass status-quo order in respect of suit property B till next day.

3. Ld. Advocate for defendant no. 1 to 3 present. He has not filed say on present application. However both Ld. Advocates argued in detail. The Ld. Advocate for plaintiff argued in the tune of application. Ld. Advocate for defendants submitted that, the defendants are doing construction on their land. They are not disturbing possession of plaintiff. They have yet not file their written statement and say. He has prayed to reject the application.

4. Perused application and record. Plaintiff is seeking relief of status quo against defendant no. 1 to 3. It is the case of the plaintiff that defendants have encroached in the suit property B and trying to erect construction on it. He has relied upon 8A extract of suit property B Grampanchayat Milkat No. 527. It reflects that said property is in the name of plaintiff. Plaintiff has file application given to the Grampanchayat Takave. From which it reflects that, defendants are trying

to encroach and construct in the property of plaintiff. The plaintiff has also filed two photographs on record from which it prima facie reflects that some construction is going on. Moreover Ld. Advocate for defendants have not denied the construction rather he has admitted that defendants are doing construction. However it is there submission that, they are doing construction on their land. Defendants have yet not file their say on T.I. Application. Defendants have not filed any documents on record. It requires certain time to decide T.I. application. Meantime if the defendants completed construction it may lead to multiplicity of proceeding. Hence at this initial stage it is necessary to maintain the status of suit property B and it will be justifiable if both parties are directed to maintain status-quo in the suit property B till filing of say by the defendants on T.I. application. Therefore, application deserves to be allowed. Accordingly, I pass following order -

**ORDER**

1. Application Exh. 16 is allowed.
2. Both parties are directed to maintain status-quo on suit property B till filing of say by the defendants on T.I. application.
3. Both parties to take note of this order.

Date : 20/12/2023

Sd/-  
( V. A. Desai )  
I/c. Civil Judge Junior Division.,  
Shirala.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer : V. S. Patil  
Court : Jt. C.J.J.D. & J.M.F.C., Shirala  
Date : 20/12/2023  
Judgment signed by the  
Presiding Officer on : 20/12/2023  
Judgment uploaded on : 20/12/2023