

ORDER BELOW EXH 19 IN R.C.S. 03/2026

Plaintiffs filed present application for grant of status-quo against the defendants. Plaintiffs humbly submitted that they have filed present suit for declaration and perpetual injunction against the defendants. It is further contention of the plaintiffs that, suit summons are duly served on defendants and accordingly they appeared before the Court and they have not filed their say in the suit. Now, the defendants started construction over the suit property 1B and 1C and going to complete the work. If, the defendants completed their construction, then irreparable loss will be caused to the plaintiffs. Therefore, plaintiffs filed present application and prayed for granting order of status-quo.

02. The defendants filed their say at Exh.24 and resisted the application. The defendants contended that plaintiff's filed false application. Defendants never constructing over the suit property i.e. 1B and 1C by encroaching their portion. The affidavit of Kisanrao Mane filed on record is false. Suit property is not in existence. Defendants never constructed towards Southern side and Eastern side of plaintiffs by encroaching their portion. It is further contention of the defendants that after city survey, plaintiff's Grampanchayat property No. 626 is mutated as C.S.NO. 262. But, plaintiffs did not disclose this fact in the suit. Defendants have constructed their house in their own land. Therefore, if the status-quo order is passed, then irreparable loss will be caused to the defendants. Hence, they prayed for reject the application.

03. The term 'status quo' has not been used in the Code. However, the latin term 'status quo' refers to existing state of

circumstances on any given date. In the legal system, a Judge has the authority to issue a status quo order to prevent any one from taking any action, until the matter can be heard and resolved by the Court. A status quo order preserves the existing situation, so that no party's position can be compromised, or prejudiced until the matter has been resolved. As injunction must be against one party. However, the order of status quo operates against both the parties. Still under required circumstances such relief can be granted under inherent powers of the Court by invoking provisions of section 151 of the Code.

04. As a matter of general rule, the order of status-quo should be passed only when the existing position is prima-facie admitted in so far as the property is concerned. Order of status-quo must be reflective of what it clearly means. It should not suffer from ambiguity. It is clear that, unless the status of the property is clear such order can not be granted and should be used sparingly. If inappropriate order of status quo is passed, it is likely to give rise to multiplicity of litigation.

05. Heard Ld. adv. Shri. M.U. Shinde, for plaintiffs and Ld. advocate Shri. Gaikwad J. S. for defendants.

06. The Ld. Advocate for plaintiffs humbly submitted before the Court that there is an emergency, therefore they filed present application for status quo. It is the contention of plaintiffs that defendants encroached over the suit property i.e. 1B and 1C and constructing their house on encroached portion. If, construction is completed, then the very purpose of application of temporary injunction would be extinguished and plaintiff will suffer irreparable loss which would not be measured in terms of money and

multiplicity of proceeding may occurred.

07. On the contrary, the Ld. Advocate for defendants humbly submitted that the description of suit property given by the plaintiffs is false. Defendants constructing their house on their own land. The plaintiffs were never in possession of suit property i.e. 1B and 1C. Hence, application may kindly be rejected.

08. The plaintiff filed present suit for declaration and perpetual injunction against the defendants for not to construct over the suit property i.e. 1B and 1C. On perusal of extract No. 8 of Grampanchayat property No. 626, it appears that suit property i.e. 1A is on the name of plaintiff No.01. The plaintiffs and defendants have filed some photographs on record. It shows that construction work is going over the suit property. It is also prima-facie appears from the photographs that defendants started construction over the suit property. Defendants only stating that they are constructing on their own land. To decide temporary injunction application will take reasonable time. Present suit is very complex in nature. In such situation, if status-quo is not granted against the defendants, then irreparable loss will be caused to the plaintiffs.

09. The real dispute between the parties is only for 2 feet area. Therefore, it is very crucial to decide about that 2 feet area. Unless and until, that issue is not fully adjudicate, it is not just, proper and reasonable to complete the the construction work. Therefore, Considering, nature of the suit, subject matter involved in present suit, I come to the conclusion that there is merit to allow the present application. Hence, to meet the end of justice I pass the following order.

ORDER

01. The plaintiffs and defendants are directed to maintain status quo in respect of nature of the suit property i.e. 1B and 1C mentioned in the plaint till decide the application at Exh. 05.
02. Cost in cause.

Date : 25.03.2026
Place : Medha

(Dr. Vikram A. Avhad)
Civil Judge Jr. Dn., Medha