

MHST130003862026 	R.C.S. No. 78/2026 Ramdas Chavan & others Vs Adhik Chavan & others
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ORDER ON EXHIBIT 12

The Plaintiff has filed this application seeking an order of temporary injunction and status quo against the Defendant. It is the Plaintiff's contention that the Defendant has committed illegal encroachment on the suit property described in Para 1 of the plaint and has commenced the excavation of a well. The Plaintiff seeks to restrain the Defendant from further excavation and requests the restoration of possession.

02. The Defendant appeared through counsel and filed a written statement and say. The Defendant categorically denies the allegations of encroachment. It is the specific contention of the Defendant that the Plaintiff's property is situated in Gat No. 826, whereas the Defendant is carrying out work within his own ownership land in Gat No. 819. The Defendant further submits that there is a distance of approximately 30 to 35 feet between the two survey numbers and that the work on the natural spring/well in Gat No. 819 was already completed eight days prior.

03. Heard both sides. Perused the documents on record.

04. The Plaintiff has produced 7/12 extracts and a copy of the challan submitted to the Land Records Department for a

boundary measurement. Both parties have also produced photographs of the alleged well excavation.

05. Upon perusal of the record, it is observed that while the Plaintiff alleges encroachment on Gat No. 826, there is no concrete evidence or a government measurement map produced at this stage to *prima facie* prove that the excavation is being carried out within the boundaries of the Plaintiff's land.

06. The dispute essentially pertains to the boundaries of Gat No. 826 and Gat No. 819. In the absence of a measurement report by a competent authority, it cannot be concluded at this preliminary stage that the Defendant has encroached upon the Plaintiff's property. The burden of proof lies on the Plaintiff to establish a *prima facie* case of encroachment, which he has failed to do.

07. Consequently, as the Plaintiff has failed to establish the three pillars of injunction *Prima Facie* Case, Balance of Convenience, and Irreparable Loss the application does not merit interference by this Court. Hence, I pass following order.

ORDER

The Application is hereby rejected.

(R.M.Lolge)

Date:- 08/05/2026

Civil Court Jr. Division, Patan.