

MHST130015222025



R.C.S. No. 276/2025

**Macchindranath Dagadu Salunkhe
Vs Shamrao Dnyanu Salunkhe**

ORDER

On perusal of the plaint and the application at Exhibit-5, it appears that the plaintiff has instituted the present suit against the defendants for partition and separate possession of the suit property. Along with the said relief, the plaintiff has also prayed for a permanent injunction restraining the defendants from causing obstruction to the plaintiff's peaceful possession and enjoyment of the suit property and from raising any permanent construction thereon.

02. The plaintiff has also filed an application for temporary injunction at Exhibit-5, praying that till the final disposal of the suit, the defendants be restrained from interfering with the peaceful possession of the plaintiff over the suit property and from carrying out any permanent construction therein.

03. In support of the said application, the plaintiff has produced the 7/12 extract of the suit property, which prima facie shows that the names of both the plaintiff and the defendants are recorded in respect of the suit land. The plaintiff has also produced photographs of the suit property along with Exhibit-3. From the said photographs, it appears that pits have been dug in the suit property, indicating preparation for construction activity.

04. At this stage, before the defendants file their written statement and reply to the application for temporary injunction, the material on record prima facie indicates that if construction

activity is allowed to proceed, the nature of the suit property may be altered, which may adversely affect the rights of the parties and complicate the adjudication of the suit. In matters relating to partition and possession, it is necessary to preserve the subject matter of the suit so that effective relief can be granted after full trial.

05. Considering the pleadings, the documents produced, and the photographs on record, this Court is of the opinion that it is necessary to maintain the existing position of the suit property till the defendants are heard. If interim protection is not granted at this stage, there is a likelihood of multiplicity of proceedings and irreparable injury to the plaintiff.

06. Hence, it is just and proper to direct the parties to maintain status quo in respect of the suit property till further orders. Accordingly, the following order is passed:

ORDER

1. Notice of the application at Exhibit-5 be issued to the defendants, returnable on the date fixed.
2. Till the returnable date and till the defendants file their say and are heard, both parties are directed to maintain the status quo in respect of the suit property.
3. The defendants are restrained from carrying out any permanent construction and from causing obstruction to the peaceful possession of the plaintiff over the suit property.

Date:- 19/12/2025

(Rajesh M. Lolge)
Civil Judge Jr. Division, Patan