

MHST160012512024 	<u>Order Below Exh.27 In</u> <u>R.C.S.No.260/2024.</u> (Pratipa Pratap Babar and ors Vs. Rupchand Nivrutti Babar and ors.)
---	---

This is an application filed by the Plaintiff for status-quo regarding suit property described in para 2 of plaint.

2. Plaintiff submitted that he has filed application for temporary injunction in this suit. Defendant no.1 appeared and prayed for adjournment. Hence plaintiff moved this application. She submitted that the economic condition of defendant no.1 is well. He has strong man power. In this circumstances defendant no.1 dig pits towards eastern side of plaintiff. He encroached over same and try to construct RCC pillar. If the status quo can not be granted then plaintiff will suffer irreparable loss of 0.5R. Therefore status quo be maintained till decision of application of temporary injunction.

3. Per contra defendant no.1 has filed his say overleaf to this application. He submitted that defendant no.1 dig the pits over his land. He did not dig pit over the plaintiffs land. The property over which he dig, is owned by him. He constructed the house over it. The village panchayat no.1129 of the same house.

4. He further submitted that on perusal of extract of village panchayat property no.1129 there is open space of 12X7.5.

Defendant no.1 dig pits on same property. Plaintiff did not file any document regarding defendant no.1 dig the pits upon her land. Therefore application be rejected.

5. Perused record of the case. Heard both advocates. Ld. advocate of plaintiff argued that on perusal of photographs filed at exh.3/11 and 3/12 it is clear that defendant no.1 dig pits upon the land of plaintiff. While learned advocate of defendant has argued that defendant no.1 dig the pits upon his land. There is open space in front of defendant no.1's house. It will be decided at the time of hearing on temporary injunction application.

6. On perusal of photographs filed by plaintiff it is seen that there is construction over the property. Therefore it would proper to maintain status-quo till next date. Considering above discussion I pass following order :-

ORDER

1. Application is allowed.
2. Both parties are directed to maintain status-quo till next date.
3. Defendant shall file his say on next date without fail.
4. Both parties shall argue on next date without fail. If fails status-quo will be vacated.

Date: 28.11.2024
Wai

(Smruti S. Palsule)
3rd Jt. Civil Judge Junior Division, Wai.