

MHTH260002442026



R.C.S.No.27/2026

Sachin Dilip Sambare

Vs.

Sandip Padmakar Bhoir & Anr.

ORDER BELOW EX.11.

1. The present application is filed by the plaintiff for the grant of status quo until the decision of an application filed below Exh.05. It is the contention of the plaintiff that the suit property is owned and possessed by him. The plaintiff or his forefathers have never transferred the suit property to any third party. It is the further contention of the plaintiff that on 22.03.2026 the defendant No.1 without having any concern in respect of the suit property entered the suit property, encroached over the suit property and tried to remove the compound from the suit property. Hence, it is necessary to protect the suit property. Therefore, prayed for allowing the application.

2. The defendant No.1 has filed his say to the present application below Exh.29 and first of all denied all the contentions of the plaintiffs application and further contended that the plaintiff has not filed the rough sketch map of the suit property. Hence the present application is not maintainable under order 7 Rule 3 of the Code of Civil Procedure, 1908. The plaintiff has not added all the parties in the instant suit. The defendant No.1 before selling the property bearing Gat No.65/2 published an advertisement in the daily newspaper calling objections. However no any objection was received from the public. The defendant no.1 has never encroached over the suit property of the plaintiff. Hence prayed for the rejection of the application.

3. Perused the application and say filed thereon.
4. Heard the learned Advocate for the plaintiff and the learned Advocate for the defendant No.1.
5. It is the contention of the plaintiff that the suit property bearing Gat No.65/1 admeasuring 0 H 40 R is owned and possessed by the plaintiff and Darshana Dilip Sambare. It is the contention of the plaintiff that out of the property bearing Gat No.65/1 admeasuring 0 H 40 R is sold by Darshana Dilip Sambare and the plaintiff on 01.03.2018 to Raju Dattatray Patil and Shahaji Kashinath Gole. Thereafter it is also the contention of the plaintiff that out of the property bearing Gat No.65/1 the property admeasuring 0 H 20 R is sold by the plaintiff and Darshana Dilip Sambare on 11.02.2015 to Vishnu Parshuram Thakare @ Patil. Now, it is the contention of the plaintiff that they are in possession of the property admeasuring 0 H 40 R. It is the further contention of the plaintiff that the defendant no.1 entered into the suit property, encroached over the suit property and tried to remove the wall compound of the suit property. The plaintiff has filed on record the 7/12 extract of the suit property bearing Gat No.65/1. On the perusal of the said 7/12 extract the name of the plaintiff and Darshana Dilip Sambare appears in respect of the property admeasuring 0 H 40 R. It is the contention of the plaintiff that the defendant no.1 is trying to encroach over the suit property of the plaintiff and trying to remove the wall compound of the suit property. Therefore at present it is necessary to protect the suit property. Hence the Status quo is granted against the defendant no.1 till the filing of the written statement by the defendant No.1.

Place:- Jawhar
Date:- 28-04-2026.

(M. P. Mathure)
Civil Judge, J.D., Jawhar