



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

SECOND APPEAL NO. 198 OF 2026

NIMBABAI WD/O MAROTI TINGUSLE AND OTHERS

Vrs.

STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M. P. Khajanchi, Advocate for appellants.
Shri C. A. Lokhande, AGP for respondent No.1.

CORAM: RAJ D. WAKODE, J.

DATE : 26/05/2026

1. Heard Shri M. P. Khajanchi, learned counsel for the appellants.
2. Issue notice to the respondents on the substantial questions of law as mentioned in Para Nos.1 and 2 of the Memo of Appeal, returnable on **15/06/2026**.

Substantial questions of law (Para Nos.1 and 2 of the Memo of Appeal) are reproduced as under :-

“1. Having held that the defendant Nos.2 to 5 made illegal construction on Government land, whether the courts below committed perversity and illegality in dismissing the suit ?

2. In light of provisions of Section 37 and 39 of Specific Relief Act, 1963, whether injunction as sought by plaintiffs should have been granted when the proved illegal construction made by Defendant Nos.2 to 5 is in the neighbourhood of Plaintiffs, thereby obstructing the frontage of the Plaintiff's House ?”

3. Shri C. A. Lokhande, learned AGP waives service of notice for respondent No.1.

CIVIL APPLICATION (CAS) NO.648/2026

4. Issue notice to the respondents, returnable on **15/06/2026**.

5. Shri C. A. Lokhande, learned AGP waives service of notice for respondent No.1.

6. Shri M.P. Khajanchi, learned counsel appearing for the appellants has invited my attention to the judgment dated 06/06/2005 passed by this Court in Writ Petition No.3805/2002 which is at record Page No.19.

7. In the aforesaid judgment, learned Single Judge of this Court had directed the parties to maintain status quo during the pendency of the suit before the learned Trial Court.

8. Shri M.P. Khajanchi, learned counsel for the appellants submits that the aforesaid status quo as directed by this Court was maintained by the parties not only during the pendency of the suit, but also during the pendency of the appeal. However, the appeal came to be dismissed finally on 23/04/2026. The aforesaid judgment is under challenge before this Court.

9. The learned counsel appearing for the appellants has invited my attention to the application below Exh. 64 which is at record Page No.22 (Annexure-A-2).

10. The aforesaid application was filed by the appellants for continuing the aforesaid status quo after dismissal of the aforesaid appeal bearing RCA No.34/2014 which was duly allowed by the learned Appellate Court and status quo was continued for a period of 30 days from the date of order of the Court dated 23/04/2026.

11. In view of the above, since the aforesaid interim arrangement is being continued under the order of this Court since 06/06/2005 and was also continued by the learned Appellate Court and the aforesaid status quo was further continued by the learned District Judge, after dismissal of the appeal, by virtue of interim relief, this Court directs the parties to maintain status quo as directed by this Court vide order dated 06/06/2005 in Writ Petition No.3805/2002, till returnable date.

[JUDGE]