

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.715 OF 2015
WITH
CIVIL APPLICATION NO.872 OF 2015
IN
APPEAL FROM ORDER NO.715 OF 2015
WITH
CIVIL APPLICATION NO.1236 OF 2016
IN
APPEAL FROM ORDER NO.715 OF 2015**

Mr.Raghunath Mahadeo Patil ..Appellant/Applicant
V/s.

Mr.Dattaram Krishna Patil & Ors. ..Respondents

Ms.Geeta Shastri i/by Mr.M.L. Verma for the
Appellant/Applicant.

Ms.R.S. Rajput for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 11 JANUARY 2017.

P.C.

1. Leave is granted to delete respondent nos.12 and 18 as respondents, since, the said respondents have expired and their legal representatives are already on record necessary amendment to be carried out forthwith.

2. Heard the learned counsel for the parties.

3. In this case, the learned Trial Judge, by the impugned order, has declined relief of injunction to the appellant. In this appeal however, this Court had directed the parties to maintain status-quo insofar as suit property is concerned. It should be noted that the suit property is an open side admeasuring approximately 55 sq.ft. From the photograph placed on record looks like this area is a nature of Court yard surrounded by the houses of the appellant and respondent.

4. Considering the location of the suit property, it is really difficult to accept the case of either parties that they are in exclusive possession of the same. Be that as it may, the learned counsel for the parties states that earlier there were allegations and counter allegations with regard to interference with this portion. It is the case of the appellants that the respondents were interfering with this portion and causing nuisance insofar as the appellant is concerned. Similar allegations are made by the respondents qua the appellant. The learned counsel for the parties however, agree that after status-quo was ordered by this Court the position has considerably

improved and there has been no occasion for either of the parties to file complaint against each other before the Police authorities.

5. Such being the position, considering the area of the suit property and its location, it will be appropriate if both the parties maintain status-quo in respect of the suit property. It is accordingly, ordered that both the parties maintain status-quo in respect of the suit property. This means that neither of the parties should either make any construction in the suit property nor occasion any nuisance for one and another.

6. The appeal is disposed of in the aforesaid terms. It is clarified that the observations in the impugned order as well as the present order are only *prima-facie* and therefore, the Trial Court need not be influenced by the such observations at the time of the disposal of the suit and its own merits and in accordance with law.

7. The appeal is disposed of in the aforesaid terms.

There shall be no order as to costs.

8. All concerned to act on the basis of the authenticated copy of this order.

9. Civil applications do not survive and therefore stands disposed of.

10. Since, the learned counsel for the parties state that there respective clients are Senior Citizens and actually they want to live in peace, the hearing of the suit is expedited. The Trial Court endeavour to dispose of the suit as expeditiously as possible.

(M. S. SONAK, J.)