

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

WRIT PETITION NO.4170 OF 2017

Bharat Swarupchand Chaware, Budhana, Thr. POA Sachin Ashok Chawre, Buldhana

-vs-

Balisn Dhansukh Gadodiya, Buldhana and Anr.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Shri A. P. Chaware, Advocate for petitioner.

Shri S. A. Mohta, Advocate for respondents.

**CORAM : A.S.CHANDURKAR, J.**

**DATE : March 08, 2018**

The petitioner who is the original plaintiff is aggrieved by the order passed by the trial Court rejecting the application for grant of temporary injunction so as to restrain the respondents-defendants from demolishing the wall standing on plot No.183. The appeal filed by the petitioner has also been dismissed.

After hearing the learned counsel for the parties it is found that the defendants in paragraph No.13 of their reply filed to the application for grant of temporary injunction have taken a stand that after purchasing the property on 03/09/2016 they had started dismantling the structure from 09/09/2016. By the time the suit was filed on 20/09/2016, major part of the construction standing on plot No.183 was demolished.

Considering the fact that the Courts have refused to grant any temporary injunction in favour of the

petitioner coupled with the stand taken in paragraph 13 of the reply, I find that considering the prayer for temporary injunction at this stage in the light of aforesaid plea would not serve any useful purpose. Instead the parties can be directed to maintain *status quo* as of today during pendency of the suit so that the nature of the suit property is not changed.

Hence by directing the parties to the suit to maintain *status quo* as of today till disposal of the suit, the writ petition is disposed of. Needless to state that it is open for the parties to agitate their respective contentions on merits before the trial Court. The proceedings in R.C.S. No.38/2016 are expedited.

No order as to costs.

**JUDGE**