

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

Writ Petition No.5487 of 2021

Vaibhav s/o Kiran Buty vs. Sheikh Shafi Sheikh Mehaboob & others

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

Court's or Judge's Orders

Mr. A.A. Choube, Advocate for the Petitioner.

Mr. S.M. Bhangde, Advocate for Respondent Nos.1 & 2.

CORAM : MANISH PITALE, J.

DATE : 31st MARCH, 2022.

The original plaintiff is before this Court, aggrieved by an order passed by the District Court allowing an appeal filed by the respondents i.e. the original defendants and setting aside the order of the trial Court, whereby an application for temporary injunction filed by the petitioner was partly allowed.

02] In this writ petition, notice was issued on 22/12/2021. Thereafter, the petitioner made a grievance that during pendency of the writ petition, the respondents were continuing with construction and according to the petitioner, this was being done by encroaching upon the land of Survey No.94 belonging to the petitioner. On 14/02/2022, this Court passed a reasoned order directing that the parties shall maintain *status quo*. This Court also observed that no further construction will be carried out in Survey No.94.

03] The learned Counsel for the petitioner submits, on instructions, that by the time, the order dated

14/02/2022 was passed, the respondents had already constructed a boundary wall in land Survey No.94.

04] In this situation, the learned Counsel for the petitioner submits that it would be in the interest of justice that the order of *status quo* granted on 14/02/2022 be continued till the disposal of the suit, with a direction that no further construction be undertaken by the respondents and a further direction for disposal of the suit expeditiously.

05] The learned Counsel for the respondents can have no objection to such a direction.

06] Accordingly, the writ petition is disposed of by directing that the *status quo* as on 14/02/2022 shall be maintained by the parties during pendency of the suit filed by the petitioner. No further constructions shall be undertaken by the respondents in the suit property during pendency of the suit. The Court of Joint Civil Judge Junior Division, Nagpur is directed to dispose of R.C.S. No.1116/2020, as expeditiously as possible.

JUDGE

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