



MESSIAH LAW

The Covenant of Peace



December 20, 2017

The Status of or Status Quo of Jerusalem (vs) The Order of Yerusalem

We as a people are so indoctrinated with English that we concern ourselves not to understand the words we speak. English is a multitude of other languages. In order to understand English, one must understand the source of the origin of the word. The words you speak can determine if you remain free or go into captivity, or if your jurisdiction is legal or lawful.

Let us define the word "status". Status Quo 1. *N.* the existing state of affairs

Type of: [situation](#), [state of affairs](#) the general state of things; the combination of circumstances at a given time

It is the nominal form of the prepositional [Latin](#) phrase "in statu quo" – literally "in the state in which", which itself is a shortening of the original phrase [in statu quo res erant ante bellum](#), meaning "in the state in which things were before the war". To maintain the status quo is to keep the things the way they presently are. The related phrase [status quo ante](#), literally "the state in which before", ^[4] means "the state of affairs that existed previously".

Meaning of 'status quo':

The expression status quo has been stated to mean, "the existing condition" or "the existing state of things as on any given date".

Law is now settled that order of status quo is an order of injunction whereby the parties to the suit are restrained from doing the act which may bring change in the position of the parties or in the nature and character of the property in the subject-matter of the suit and as to possession of the parties in the property,

Order of status quo by the court amounts to an order of temporary injunction. But **status quo does not decide the question of possession, as such in the matter of this order question of possession is left open.**

Principles for granting status quo:

It is pertinent to mention that the Code of Civil Procedure does not incorporate the term 'status quo' in anywhere. Nevertheless, this terminology has been being exercised and practiced in our

judicial system for long. Some one of view that this term is being used as synonym of temporary injunction as envisaged in Order 39 rules 1 & 2 of the Code and some one of view that this is being used under court's inherent power as given u/s. 151 of the Code. The principles for granting temporary injunction, i.e. prima facie case, irreparable loss and injury and balance of inconvenience, are also equally applicable in granting status quo, 4 MLR 354 para 6, 4 BLC 506.

If the applicant has prima facie case, the court shall pass temporary injunction; not order of status quo:

The order of status quo is no doubt an injunction but such order encourages the party or the parties out of possession to use force to dispossess the party in possession, when the documents submitted by the plaintiff discloses *prima facie* case an order of temporary injunction should be passed to avoid further complication in view of present social condition and the tendency of litigant public to use force to come to possession under the garb of order of *status quo*, 52 DLR 102 = 20 BLD 66.

prima facie - : (pry-mah fay-shah) adj. Latin for "at first look," or "on its face," referring to a lawsuit or criminal prosecution in which the evidence before trial is sufficient to prove the case unless there is substantial contradictory evidence presented at trial.

prima facie case - n. a plaintiff's lawsuit or a criminal charge which appears at first blush to be "open and shut."

The court must not pass an order of status quo without ascertaining first the prima facie case of the application:

The court below itself found that the plaintiffs have no prima facie case, i.e. prima facie title and possession in the case lands, but unfortunately allowed the application for temporary injunction by directing the parties to maintain status-quo which was illegal and as such the same cannot lie, 4 MLR 354 para 5. If the Munsif was prima facie satisfied about the plaintiff's claim of possession in the suit land there was no reason for him not to make the ad-interim order absolute. But instead of doing so, he modified his earlier order to an order of status quo. Such an order without coming to a positive finding regarding the possession of the other party in the suit lands cannot be passed validly, 31 DLR 117, 2 BLD (AD) 154, 3 BCR 344.

Order of status quo respecting possession of suit lands should always be avoided:

Mentionable that though our statutes does not provide for any provision for passing orders as to that 'both parties are directed to maintain status quo respecting possession of the suit lands' but such types of orders have been exercised in our judicial system for long. However, we also notice that in recent times such orders are mostly used in the whole judicial system in the country. But in our observations we have to say that such orders are most vague, ambiguous and misleading to the societies and as such these types of orders should always, as we are struggling for, be avoided by a court of law.

