

ORDER BELOW EXH.14 IN Spl.C. S. NO.122/2023.

(CNR MHAH23000687-2023)

1] Perused the application and documents filed along with list Exh.19. Gone through record. Heard learned Adv.for plaintiff.

2] Plaintiff has filed present application stating that he has filed the present suit against defendants for specific performance of agreement dated 08-12-2022 & 20-12-2022 from defendants. However, it is learnt that the defendants are trying to alienate the suit properties in favour of third parties. So also in spite of receipt of summons, defendants are avoiding to appear in the suit.

3] According to plaintiff, on 18-08-2023, defendants have executed registered agreement to sale in favor of Santosh Shinde and Rahul Kharpude. Thus, the defendants are trying to alienate the suit properties in their favour. Lastly it is contended that if the suit properties are alienated in favour of third parties, the plaintiff will suffer irreparable loss. Hence, it is prayed to issue the order of status-quo till next date. Hence, the application.

4] Today, matter is fixed for appearance of defendants. However, as the defendants failed to appear the suit is proceeded ex-parte against them.

5] I have gone through the pleadings and documents filed on record. Prima-facie perusal of copy of Index no. 2 shows that defendants No.1 to 4 have executed registered agreement to sale bearing no.5455/2023 on 18-08-2023 in favour of third parties that too, after service of summons dated 09-08-2023 & 10-08-2023. Admittedly, till date, the defence of defendants is not on record. Certainly, if the suit properties

are alienated, the purpose of filing the suit will be frustrated. Hence, considering all these aspects and in the interest of justice, it would be just and proper to direct both the parties to maintain status-quo regarding the present condition of the suit properties at the time of filing of suit. In case, defendant Nos. 1 to 4 are appeared and filed their say to Exh.5, the application for temporary injunction will be decided on merits. Hence, I proceed to pass following order.

ORDER

- 1) Both the parties are directed to maintain status quo regarding the present condition of the suit properties till next date on the specific condition that In case, defendant Nos. 1 to 4 are appeared and filed their say to Exh.5 to argue the matter on the date.

(Dictated and pronounced in open Court.)

Shrigonda.
Date : 09/10/2023.

(A. N. Kulkarni)
Civil Judge, Senior Division,
Shrigonda.