



ORDER BELOW EXH. 36 IN SPL.C.S. NO. 35/2016

(Rupali Vilas Diwate Vs. S. Datta Minaral Watar Pvt.Ltd)

Heard learned advocate for the plaintiff.

2. The defendant Nos.1 and 2 though served did not appear and ex-parte order is passed against them. It is not yet set aside, though later on defendant No.2 entered appearance through advocate.

3. Exhibit-36 is an application to grant status-quo restraining defendants from creating third party interest. Such relief is stated to be urgent as contending that defendant Nos.1 and 2 are likely to sell the suit property. It is also contended in the application that the suit property is mortgaged with the Punjab National Bank, Branch at Pune. The said bank is not party to the suit but now application for addition of the bank as party as defendant, filed after more than 8 years of institution of suit, is pending.

4. Let it be stated here that the suit filed on 17/12/2016 to declare the sale deed dated 22/06/2014, executed by the plaintiff herself and the deceased defendant No.3, in favour of defendant Nos. 1 and 2, to be null and void. In this suit pending for 8 years, after specific direction of the Court somehow defendants have been served with suit summons on 04/01/2024. There is no reference whatsoever of the Punjab National Bank and the mortgage of the suit property with the said bank, in the pleadings. So the prayer of status-quo stating the urgency in general terms, is without basis of any pleadings. No urgency for such relief finds from the record of the suit. Having considered the relevant pleadings and record, I find that the plaintiff is not entitle for the interim relief, as prayed. Hence :

Application exhibit-36 stands rejected.

Date : 04/02/2025

Civil Judge Senior Division,
Shrigonda, Dist. Ahmednagar.