

Order passed below Exh. 24 in Reg. Civil Suit No. 62/2019
[CNR No. : MHAH02-0001462019]

1. Present application has been filed by plaintiff for issuance of status quo. However, learned counsel for plaintiff has prayed for interim status quo till filing of say by the defendants on the present application. Heard learned counsel for plaintiff as to issuance of interim status quo. It is averment of plaintiff that, the suit property is not yet partitioned by metes and bounds. Despite no any area being left with defendant No. 1, still defendant No. 1 is constructing on the suit property. Defendant No. 1 has sold the suit property in order to affect the interest of the plaintiff in the suit property. Defendant is deliberately trying to create third party interest in the suit property in order to affect the interest of the plaintiff. It is prayed through the present application that status quo be issued against defendants in order to avoid complexity and multiplicity of litigations. It is submitted that if status quo is not granted, plaintiff will suffer irreparable loss.

2. Perused the record. Perused the documents on record. It is submitted by plaintiff that defendant No. 1 has sold 0 H. 40 R of area out of the suit property to Swati Auti. Thereafter Swati Auti has sold that land to Shubha Gavali and Shubha Gavali thereafter, has sold that land to proposed defendant Nos. 7 to 10. From the sale deed filed on record, it appears that several portions out of the suit property have been sold to various persons to whom the plaintiff has sought to add as parties to the suit by filing a separate amendment application. The amendment application is filed today alongwith status quo application. It is the apprehension of plaintiff that defendant No. 1 will create third party interest in the suit property to affect the interest of plaintiff. It is settled position on record that defendant No. 1 has appeared before

the court and filed his written statement and say on Exh. 5. The last sale deed with respect to the portion of suit property is dated 14.09.2020. Moresoever, it is the averment of the plaintiff that defendant No. 1 is carrying out construction on the suit property despite having no any area left with him. However, the present application is for status quo and considering the position that written statement and say is filed by defendant No. 1, it would be appropriate to decide the present application on merits after hearing both the sides rather than issuing interim status quo at this stage. Hence, I deem it appropriate to call the say of defendant on the present application before passing any further order on the present application. Hence, the order:

ORDER

Issue notice to defendant No. 1 to file say on the present application, returnable on 26/06/2023. E.P. and S.B. allowed, if prayed.

Date: 16.06.2023

(N.S.Sabnis)
2nd Jt. Civil Judge, J.D., Parner.