

Order passed below Exh.16 in Reg. Darkhast No.5/2025

This application is filed by the DH for grant of interim injunction till deciding of Exh.5 application.

2. DH is seeking grant of interim injunction till deciding of Exh.5 application in this proceeding claiming that, JD Nos.1 and 10 to 13 are trying to erect a permanent structure in the suit properties Gat Nos.327 and 328 and the suit properties are not partitioned by showing directions. There is joint share. Hence, DH has prayed that till the order on Exh.5, JD Nos.1 and 10 to 13 shall not construct on the suit properties and shall not change its original nature.

3. Say of JD Nos.1 and 10 to 13 was called. Application is proceeded without say of JD No.1 as he failed to file say despite having an opportunity. JD Nos. 1 and 10 to 13 have been served with notices as per bailiff report at Exh.8 and 9 on 19/04/2025. However, till today, JD No.1 to 3 and JD No.12 and 13 have appeared. JD No.12 and 13 filed applications to seek time which was allowed. The stipulated period is still available for appearance of JD no.10.

4. I have heard Adv. for DH. The present darkhast is filed for execution of partition decree in RCS No.6/2024, in which compromise was reached and compromise pursis mentioning division of shares was filed between the parties. However, it appears from the pursis that, directions were not in the compromise pursis while dividing the shares. It appears that directions of the shares in the suit properties are yet to be determined. On the other hand, it has been alleged by DH that, JD Nos.1 and 10 to 13 are trying to construct permanent structures in the suit properties Gat No.327 and 328. Hence, as it appears that, directions are yet to be determined of the shares partitioned as per compromise pursis, it is necessary as on today to preserve the status of suit properties and to prevent its nature from being changed. JD Nos.12 and 13 have sought time to file say. JD Nos.10 and 11 are yet to appear

before Court. Meanwhile, if the construction occurs and permanent structure is raised in the suit properties, it would create complications. Hence, without going into the merits of the case, only to prevent the nature of suit properties from being changed as on today, it would be justifiable to direct DH as well as JD Nos.1 and 10 to 13 to maintain status quo as on day today, till the next date, as the JD Nos.10 and 11 are yet to appear and as the say of JD Nos.12 and 13 is yet to come on record. Hence, the order:

ORDER

The DH and JD Nos.1 and 10 to 13 are directed to maintain the status quo as on day today till next date.

Date: 09/05/2025
Parner

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