

MHAU080028492020



R.C.S. No. 229/2020
Haridas Vs. Anil & Ors

ORDER AT EXHIBIT - 12
(Passed on Date - 10.05.2024)

Read application and say. Heard both sides.

2. This is an application filed by the plaintiff seeking status-quo against defendants in respect of the suit property till order on temporary injunction application at Exh.5. It is the contention of the plaintiff that, he has filed the present suit and prayed for temporary injunction and now the matter is fixed for argument on Exh.5. Therefore, the status quo is required till the order on Exh.5 in present suit.

3. Defendants strongly opposed the present application on the ground that, plaintiff is intentionally filed false application. According to them, their W.S. and say was filed and they are ready to argued on Exh.5. Defendants orally prayed for deciding Exh.5 on merit. Hence, prayed for rejection of the present application.

4. Perused record and roznama of the present case. It reveals that, the matter is fixed for argument on Exh.5 but, there is a suit between same parties RCS.No.11/2020, Anil Vs. Haridas, in this suit status-quo application was filed (Exh.23) by the plaintiff. This application is fixed for argument on date 07.05.2024 and the same application at hand for

status-quo is filed in present suit. Both parties has orally admitted during argument that, the both parties sold out certain portion of landed property and thereby the suit property as mentioned in the plaint is not in possession of either parties. The area of suit property is now change and this fact is admitted by both parties orally. Moreover, the plaintiffs have not stated specifically about his possession what activity of plaintiff will cause him fear of creating third party interest, obstruction and dispose of the property. Moreover, he can take the proper recourse of legal provisions against defendants. Thus, considering aforesaid mentioned facts and circumstances of case it appears that, there is no specific ground to grant the relief as prayed and the status of suit property which is to be maintained. In such circumstances, it will be proper to reject the present application and the matter is already fixed for argument on Exh.5. Hence, I proceed to pass the following order :-

ORDER

The application is hereby rejected.

Date - 10.05.2024

(Smt. Minakshi M. Dhanraj)
Jt. Civil Judge Jr. Dv., Sillod.

CERTIFICATE

“ I affirms that the contents of this **P.D.F.** file order are same word to word as per original order”.

Name of the Stenographer	: F. U.Tadavi.
Court Name	: Smt. Minakshi M. Dhanraj Jt. Civil Judge Jr. Div., Sillod.
Date	: 10.05.2024
Order signed by presiding officer on	: 10.05.2024
Order uploaded on	: 10.05.2024