



ORDER BELOW EXHIBIT 7

(Passed on this 11th day of October, 2024)

1. Heard the learned advocate for the plaintiff. Perused the plaint and application for temporary injunction.
2. It is the case of the plaintiff that the defendants are trying to create third party interest over the suit properties. Hence, the plaintiff prays for maintaining status quo over the suit properties till appearance of the defendants.
3. At this juncture it would be proper to rely on the guidelines given by the Hon'ble Apex Court in **(Morgan Stanley Mutual Fund Vs. Kartick Das, 1994 AIR SCW 2801)** while granting ex parte ad-interim injunction. The factors which should weigh with the Court in the grant of ex parte injunction are:
 - (a) where irreparable or serious mischief will ensue to the plaintiff;
 - (b) whether the refusal of ex parte injunction would involve greater injustice than the grant of it would involve;
 - (c) the court will also consider the time at which the plaintiff first had notice of the act complained so that the making of improper order against a party in his absence is prevented;
 - (d) the court will consider whether the plaintiff had acquiesced for some time and in such circumstances it will not grant ex parte injunction;
 - (e) the court would expect a party applying for an ex parte injunction to show utmost good faith in making the application;
 - (f) even if granted, the ex parte injunction would be for a limited period of time;
 - (g) General principles like prima facie case, balance of convenience and irreparable loss would also be considered by the court.

4. The present suit is filed for the relief of partition and separate possession. The plaintiff has at this juncture prayed for status quo as regards to the suit properties. However, at this juncture the plaintiff has exactly failed to define status quo and the nature of his prayed relief. Furthermore, the plaintiff has also failed to showcase any immediate reasons as regards to his apprehension with respect to the suit properties. Most importantly, the plaintiff has failed to showcase any change in circumstance. Hence, at this juncture it would not be just and proper to grant relief in favour of the plaintiff without appearance of the defendants. Moreover, at this juncture, it is also necessary to note that if the present application is allowed without hearing the defendants serious loss may ensue to them. Further, the rejection of the present prayer will not ensue irreparable or serious mischief to the plaintiff as it may be covered within her prayed reliefs.

5. Thus, at this point the plaintiff has not made out any grounds for granting status quo in her favour. Hence, I do not find any extreme urgency to grant the said relief. The plaintiff's prayer can be considered after the defendants appear. Hence, following order is passed:

ORDER

The application is rejected

Date: 11-10-2024

(Uday S. Ivare)
Civil Judge, J.D.
Sangrampur, Buldhana