

(1)

ORDER BELOW EXH.11 IN MCA No.13 OF 2026

(Delivered on 11.05.2026)

. Appellant has preferred this application praying that respondents No.1 and 2 be directed to maintain status-quo in regard to CTS No.3544 to the extent of area of appellant recorded in CTS No.3545 till filing the say.

02. Vide Exh.12, respondent No.2 has filed say to the appeal and respondent No.3 has filed say at Exh.13.

03. Heard the appellant and respondents on Exh.11 at length. Appellant submitted that she is in possession of suit property since purchase and respondent No.1 is not in possession of the area which is wrongly shown. It is submitted that the area is wrongly mentioned in the city survey record which can be seen from the map filed along with the sale-deed. Respondent No.1 mortgaged his property with the Bank and the Bank is creating third party interest and therefore respondents be directed to maintain status-quo.

04. The learned advocate for respondent No.1 submitted that it is directed to attach the property in CTS No.3544 in Cri. Misl. Application filed under section 14 of SARFAESI Act.

05. The learned advocate for respondent No.2 submitted that appellant and respondent No.2 are neighbours. Respondent No.2 applied loan from respondent No.1 who seized the mortgaged property

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for default of installments. Respondent No.2 is in possession of 150 square feet area in CTS 3544. In the suit filed before the trial Court, counter suit is also filed by respondent No.2. He contended that stay be granted.

06. This appeal is preferred challenging the order passed by learned 6th Joint Civil Judge Junior Division, Jalna in Regular Civil Suit No.52 of 2026 dated 30.01.2026 below Exh.5. Appellant has also preferred application below Exh.5, seeking temporary injunction against the respondents No.1 and 2. Thereafter, this application was preferred seeking status-quo till filing of say by the respondents No.1 and 2. However, respondents No.1 and 2 have filed say vide Exh.13 and 12 respectively. Therefore, there is no question of grant of status-quo, till filing of say. Since respondents No.1 and 2 have filed say to the appeal itself, the appeal can be taken up for hearing. Hence, I pass following order.

ORDER

- 1) Application (Exh.11) in M.C.A.No.13 of 2026 is dismissed.
- 2) Costs in cause.

Date: 11/05/2026

(NAZERA S. SHAIKH)
Additional Sessions Judge-2
Jalna.