

MHKO010027242024



Order below Exh.10 in Misc. Civil Appeal No.166 of 2024

Babaso Sadashiv Dongale .. Appellant
Vs.
Sadashiv Krushna Dongale and Ors. .. Respondents

1. The appellant has filed present application seeking status quo in respect of suit property and they are claiming this relief against respondent Nos.2 and 7 only. At Exh.13 appellant has filed his affidavit stating that he has served the notice of appeal to respondent Nos.2 and 7. It is contended by the appellant that even after said service, respondent Nos. 2 and 7 are constructing in the suit property. He has filed photographs taken on 25/06/2024, 30/06/2024 and 06/08/2024. He has also lodged a police complaint against them on 30/06/2024.

2. In present matter, this Court had issued notices to respondents returnable on 16th August, 2024. The appellant has filed affidavit stating that respondent Nos.2 and 7 are served by Bailiff. The report is not yet received. The appellant has taken this matter on board today to seek urgent relief.

3. Heard Learned Advocate for the appellant. He submitted that, status quo was maintained in the Trial Court till decision of Exh.5 application. From photographs filed on record, it appears that,

the construction is going on the suit property. It is necessary to decide Misc. Civil Appeal on its own merits and till that time, it is necessary to maintain nature of suit property from being changed. In case, status quo is not granted, then the whole purpose of present appeal will get frustrated and I am of the opinion that object of granting injunction would be defeated by delay in case it is not passed at this juncture. Hence, I pass following order.

ORDER

- 1) Present application is partly allowed.
- 2) Respondent Nos.2 and 7 are directed to maintain status quo in respect of suit property till further order.
- 3) The appellant is directed to comply with provision of Rule 3 of Order 39 of C.P.C.
- 4) No order as to costs.

Date : 07/08/2024.

(Mrs.Aparna S.Waikar)
District Judge-5, Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Mr.A.A.Patil
Name of Court	Mrs. Aparna S. Waikar, District Judge-5, Kolhapur.
Date of Dictation	07/08/2024
Order signed by the P.O. on	07/08/2024
Order uploaded on	07/08/2024