

Order below Exhibit 16 in Regular Civil Suit
No.118/2015

This is an application filed by plaintiff for extension of status quo. Defendant No.1 to 5 had filed their say at Exhibit 17. Perused the record. Heard the advocates for parties.

2. Before considering merits of this application it is necessary to consider some of the facts which actually happened today in the court. It is pertinent to note that though plaintiff had filed this application in the morning, neither advocate for plaintiff nor his junior advocate was present before the court when the matter was called at about 12.30 p.m. At the time, plaintiff was present and he submitted that his advocate will remain present within an hour.

3. Thereafter, again the matter was called at about 01.55 p.m. At that time also, advocate for plaintiff or his junior advocate was not present. But, plaintiff was present. Advocate for defendant had already filed his say to this application and at that time he insisted for his argument and therefore, the court allowed him to make submissions on this application. Then, while advocate for defendants was making submissions to the court, advocate for plaintiff Shri Rahul Magdum came in the court hall. He vehemently submitted that the court cannot hear the argument of defendants prior to hearing of arguments of advocate for plaintiff as this application is filed by plaintiff. He further made allegation that he do not want to proceed with the matter before the court and he is going to move application for transferring this case to another court. He also vehemently submitted that the court is not following procedure and hearing the arguments of advocate for defendant before the advancement of arguments by plaintiff.

4. Actually, it is a routine and simple application

for extension of status quo which was earlier granted ex parte. However, advocate for plaintiff exceeded his limits and attempted to pressurize the court. In fact it was the duty of plaintiff and his advocate to remain present before the court for making the submissions. But, ignoring his omission, advocate for plaintiff made allegations that proper procedure is not followed in this court. Advocate for defendant is from Kurundwad Bar and he was present when the matter was called. In such situation, it cannot be said that proper procedure is not followed merely because the submissions of advocate for defendant was heard before the argument of advocate for plaintiff is advanced. It is not the case that advocate for plaintiff was denied an opportunity to make argument or submissions on this application.

5. An advocate is officer of court and must act accordingly. Hearing of submissions of advocate for defendant was a mere part of time management of the court. Advocate for plaintiff cannot interfere in it. It is the choice of plaintiff and his advocate either to move an application for transfer of the case or otherwise. But, no one can be allowed use pressure tactics on the court. However, in my view, plaintiff should not suffer for mistake of his advocate. Further, advocates Shri Rahul Magdum is a quite senior advocate and it was first occasion when he lost his temper before the court. There may be other reasons for that but definitely this is not the proper course of making submissions before the court. Therefore, I am allowing myself to ignore this incident and consider the merits of application independently.

6. Now, coming to the merits of this application, it is pertinent to note that this court has granted ex parte status quo order after considering the prima facie case for grant of such ex parte relief. Today defendant No.1 to 5 had appeared and filed their written statement and say to the application at Exhibit 5. In my view, it is necessary to hear the parties on merits of Exhibit 5. Without this

being done, it will be unjust to set aside the status quo. This may cause inconvenience to defendant as argued by his advocate, but, in the interest of justice and to decide the matter effectually it is necessary to hear the parties finally on the Exhibit 5. Therefore, in my view, it will be most appropriate and just to extend the status quo till next date with specific direction to both the parties of advancing their arguments without fail. Hence, in result, I pass following order.

Order

1. Status quo is extended till 28/07/2015 with specific direction to both the parties that they should advance their arguments on Exhibit 5 without fail.
2. It is also made clear that plaintiff and his advocate is at liberty to make an application for transferring this case before next it.
3. Parties to note.

Sd/-

Date: 21/07/2015

(Mahesh T. Patankar)

Place: Jaysingpur

Civil Judge (Jr.Dn.), Jaysingpur.

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

Name of the Stenographer	Shri.Rahul Laxman Mane (L.G.)
Name of Court	Jt. Civil Court & J.M.F.C. Jaysingpur.
Date of Dictation	21/07/2015.
Judgment signed by the P.O. on	21/07/2015.
Judgment uploaded on	22/03/2015.

