

MHKO100001062023

REGULAR CIVIL SUIT NO. 41/2023

Dhondiba Ghugare.

//Vs//

Nana Ghugare & ors.

ORDER BELOW EXHIBIT NO.14

This is an application filed by plaintiff under Section 151 of the Civil Procedure Code for granting status-quo. Perused the application and say. Perused plaint and say filed on Exh.5 by defendant no.1 to 5. So also, perused documents placed on record. I have heard Ld. Advocate for plaintiff as well as Ld. advocate for defendant no.1 to 5. This is suit for partition and perpetual injunction. After considering averements from the plaint and documents placed on record, it appears that, plaintiff claimed that, suit property bearing City Survey No.1310 and other properties are joint family properties and those are not partition yet. On the other hand, Ld. Advocate for defendants filed say on the application and submitted that, as argument on Exh.5 is heard and matter is posted for order on it, application is not maintainable.

02. Today, heard arguments of both sides on Exh.5 and now matter is posted for order on it. At this stage prima facie it appears that, plaintiff contents that, suit properties are joint family properties and defendant no.1 is making some construction over it. On the other hand, defendants submitted that, already partition between the parties took place and defendant no.1 has purchased share of defendant no.2, 3 and 5

from them. Thus, defendant no.1 is making construction over his share and shares of defendant no.2, 3 and 5 which he purchased. At this stage both parties have made rival contentions. Thus, whether there was partition took place between the parties or not is the question of trial. If, defendant no.1 continues to make construction it will change the nature of properties. That, ultimately will cause prejudice to plaintiff. On the other hand if construction is stopped till further order no such prejudice will cause to defendants as it will change the nature of suit property. Therefore, I proceed to pass following order.

ORDER

01. The application is allowed.
02. Defendant no.1 is directed to maintain status-quo in respect of construction in suit property bearing City Survey No.1310 till next date.

Date:- 09/02/2023.
Gadhinglaj.

(S. A. Rathod)
2nd Jt. Civil Judge, Junior Division,
Gadhinglaj.

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 stenographer	R. D. Patil.
Name of Court	S. A. Rathod, 2 nd Jt. Civil Judge Jr. Dvn. and Judicial Magistrate First Class, Gadhinglaj.
Date of Dictation	09/02/2023
Order signed by P.O. on	09/02/2023
Order uploaded on	09/02/2023