



Order Below Exh. 21 In RCS No. 229/2022
CNR No. :- MHKO110017762022
Passed on 23/08/2023

This is an application moved by the plaintiff showing apprehension and urgency and thereby seeking directions against defendant No. 1 and 2 for maintain status quo.

02. According to plaintiff that, defendant No. 2, 4 and 5 are brother and sisters of the plaintiff. Defendant No. 1 and 3 are father and mother of plaintiff and defendant No. 2, 4 and 5. The suit property No. 1, 2, 3 more particularly described in the plaint is the ancestral property of the plaintiff and defendants. In which no partition is effected. However, it is learnt that defendant No. 1 and 2 is in mood to create third party interest in the suit property, by taking disadvantage of their names in 7/12 extract. The plaintiff is relying upon the document as per list of document Exh. 3. Therefore, he beseeches that the status quo order against the defendant No. 1 and 2.

03. In spite of sufficient opportunity defendant No. 1 to 5 failed to appear and failed to file their WS and Say. Hence, no WS order was passed against these defendants.

04. Perused the application, record and proceeding. Heard. It is pertinent to note that, the status quo ad-interim temporarily injunction order can be granted only, when a party shows they have strong prima-facie case. According to plaintiff that defendant No. 1 and 2 are in mood to create third party interest in the suit property, by virtue of their names in 7/12 extract. If the same is not restrained,

(2)

there is possibility of object of granting injunction would be defeated by delay. The plaintiff produce some documents on record. This is a suit for partition and injunction. As the plaintiff has sworn on oath that, and show the apprehension. Considering the nature of suit in order to avoid the multiplicity of litigation and to prevent the matter from becoming more complex, without touching the merit of this case it will be appropriate to pass status quo against defendant No. 1 and 2. Thus, I proceed to pass following order.

ORDER

1. Defendant No. 1 and 2 are hereby directed to maintain status-quo in respect of suit property No. 1 to 3 till next date.
2. Plaintiff to comply the mandatory requirement of Order 39 Rule 3(A) of The Code of Civil Procedure, 1908.

Date : 23/08/2023
Peth-Vadgaon.

(S. D. Sonawane)
Jt. Civil Judge Junior Division,
Peth-Vadgaon.