



ORDER BELOW EXH. 39 IN RCS No. 243/2021
(CNR NO.: MHKO110024932021)
(Passed on 31st day of March, 2022)

1. Perused application and record. Plaintiff has filed his say on this application and contended that, already application of plaintiff at Exh. 5 is partly allowed by considering prima-facie case, balance of convenience and irreparable loss by this court, so this application is not tenable in the eyes of law. He further contended that, if this application is allowed then plaintiff will suffer heavy loss. Hence, plaintiff prayed for reject this application with cost.

2. Heard learned advocate for plaintiff and defendants. Plaintiffs application for temporary injunction at Exh. 5 is partly allowed. Thereafter, caption application is filed by defendant No. 1 to 6 for status-quo in suit property 1B till appeal period. ***Defendants prayer for status-quo order is nothing but the stay of execution of interim order passed below Exh. 5. In view of Order 41(5)(2) read with order 43(2) of The Civil Procedure Code 1908, court may stay execution of order on sufficient cause being shown for stay of execution order. In view of order 41(5)(3) of The Civil Procedure Code no order for stay of execution shall be made unless court satisfied that sufficient loss may result into the parties applying for stay of execution.***

3. It is contended that on behalf of defendant that plaintiff has tried to construct shed in suit property 1B. It is further argued that sufficient loss will be cause to the public at large, if status-quo order is not passed. On the contrary plaintiff will not suffer sufficient loss.

4. In my opinion without going to the merits of the case, **to avoid complications and avoid multiplicity of proceeding** it is necessary

to maintain status-quo till appeal period. It is also necessary in the interest of justice to **give chance to defendants to avail their right of appeal.** No harm cause to the plaintiff for stopping him from constructing compound and shed for few days. In the result parties are directed to maintain status-quo in respect of suit property 1B and status-quo means, not to change the entire of suit property 1B till appeal period is over or further order of Hon'ble District Court, Kolhapur.

Peth-Vadgaon.
Dt. 31/03/2022.

(C. S. Deshpande)
Joint Civil Judge Junior Division,
Peth-Vadgaon.