

MHKO120000942021



Reg.Civil Suit No.24/2021

(CNR No.MHKO120000942021)

Order below Exh.75

Perused the application and say. Heard both sides. The plaintiff has sought to extent to status-quo order till next date. It is matter of record that status-quo order below Exh.22 was passed on 23/02/2021. Almost, 4.5 years have lapsed by passing said order. The status-quo is continue till today. I have gone through the entire record. The status-quo order was granted against defendant Nos.1 and 2 for restraining them from not making any construction and to maintain the position in respect of construction. However, the said order was passed in year 2021. The plaintiff utterly failed to show the current situation and moment of defendant Nos.1 and 2 in respect of alleged construction upon the suit property. Moreover, it is important to consider the conduct of the plaintiff. The record shows that defendant No.4 died on 22/03/2021. However, on 06/08/2024 i.e. after lapse of 3 years 4 months, plaintiff filed application vide Exh.71 for bringing Legal Heirs of deceased defendant No.4 on record. On last date the order was passed below Exh.71 to issue notices to legal heirs of defendant No.4. The said order below Exh.71 was passed on 06/11/2024. However, the plaintiff has not furnished the copies of applications from 06/11/2024 to till today. It clearly goes to show the conduct of the plaintiff to kill the time.

However, in morning session Ld. Adv. for plaintiff submitted that he will produce the copies and thereafter today the plaintiff has produced the copies. It shows that the plaintiff remains silent from 06/11/2024 to till today. However, at this moment, I do not found any extra ordinary circumstances to extend the status-quo order passed below Exh.22. Hence, I do not found any merit in this application. In result, I pass following order.

ORDER

- 1) The application is rejected.
- 2) The status-quo order passed below Exh.22 dated 23/02/2021 stands vacated.
- 3) Both parties to argue on Exh.5 application on next date without fail.

Date : 10/12/2024

(V. V. Kulkarni)
Civil Judge Junior Division,
Gargoti