

**ORDER BELOW EXH. 37 IN R.C.S.NO. 117/2022**

01. This is the “status-quo” application submitted by the plaintiff. It is submitted that, the suit property is in a common possession of the plaintiff and defendant No. 1. This property is yet not partitioned. In respect of the suit property, defendant No. 1 has executed one will bearing registration No. 86/21 in favour of the plaintiff. In the existence of earlier will defendant No. 1 has executed sale-deed in respect of the same property in favour of defendant No. 9. Defendant No. 9 by taking dis-advantage of the sale-deed executed in his favour, is trying to cut crop of sugarcane in the suit property. Thus, to restrain defendant No. 9 from making interference in the suit property, in respect of the crop of sugarcane the current application is filed.

02. This application was filed by taking the suit on board. In view of the application, notice was issued to defendant No. 9, about change of date. The bailiff report at Exh. No. 39 shows that, the notice is dully served on defendant No. 9. However, today defendant No. 9 is absent. The plaintiff is having urgency in this matter in respect of the grievance specifically claimed against the defendant No. 9. Today, the advocate of the defendant No. 9 is also absent. It appears that, notice issued to him in view of this application and of the change of date is not served as he is out of station, but the fact that notice issued to the defendant himself is served. Both the parties are claiming their respective rights over the suit property. Thus, this application requires full hearing on merit. However, till then to avoid future complications in this matter, it will be better to restrain

defendant No. 9 till next date by directing “status-quo”. Hence, following order is passed:-

**ORDER**

1. Both the plaintiff & defendant No. 9 are directed to maintain “status-quo” as on today over the suit property till next date.
2. List this matter on 24/11/2022.

Kagal.  
Date:- 19/11/2022

**(A. B. Jawale)**  
Jt. Civil Judge Junior Division,  
Kagal.