



R.C.S.No. 182/2021

Shivaji Yalugade etc. Vs. Jayram Yalugade etc.

CNR - MHKO130011292021

ORDER PASSED BELOW EXH.29

(Dt. 05/01/2022)

1. This is the application filed by the plaintiffs to continue the order of status-quo till the period of appeal.
2. It is submitted that, the interim application below Exh. 5 preferred by the plaintiff is came to be rejected on 03/01/2022. If the defendant is not restrained by the order of status-quo, the defendant may complete the construction in the suit property and thus, to restrain the defendant the current application is filed.
3. The said application is resisted by the defendant vide his say at Exh.33. It is submitted by the defendant that, the application has no base of any provision of law. The interim application below Exh. 5 is decided on merit. Therefore, once the Court has passed the order on application, it becomes “functus-officio” and thus, this court has no right to stay its own order and therefore, defendant has prayed to reject the application.
4. Heard learned Adv.N.H.Shetake for the plaintiffs and Adv.S.S.Kestikar for the defendants.
5. Perused the application carefully. Even though, the plaintiff advocate Mr.Shetake has orally submits to stay the order passed below Exh.5. The contention regarding the same are not appearing in their application. What is demanded is to continue the order of status-quo and not to stay the order below Exh. 5. Thus, oral submissions of the plaintiff advocate and the written application of

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them are different in nature. Thus, the same is not sustainable. The order of status-quo is already vacated on last date while passing an order below Exh.5. Thus, the following order is passed-

ORDER

1. The application (Exh.29) is rejected.

Kagal.
Date: 05/01/2022.

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