



ORDER BELOW EXH. 58 IN R.C.S. NO.
183/2023

Vilas Dattatray Jadhav etc.01 Vs. Mohan Rangrao Patil
etc.02

CNR - MHKO130013152023

01. This is the application of the plaintiff filed with request to maintain the “status-quo” over the suit property till final disposal of Exh. no. 5 & to direct the Bidri Sugar Factory to deposit sugarcane bill before the Court.

02. It is submitted that, vide Exh. no. 15 this Court has granted Status-quo order in the suit. The same order of status-quo was extended from time to time. However, on 11/03/2024 the order of status-quo was not extended. Even though say of the defendant was filed over it. Nor application of the plaintiff filed for extending the status-quo order on 11/03/2024 was exhibited. By taking misuse of non-extension of status-quo order, the defendant has taken away crop of sugarcane that was standing in the suit property at that time. The crop of sugarcane was submitted to Bidri Sugar Factory for crushing. Thus, to seek relief against the defendants action, current application is filed.

03. The application is objected by the defendants by their say below Exh. no. 60. It is submitted that, the plaintiffs were never in the possession of the suit property. They have no concerned with the suit property. The current application is not tenable in the eyes of law. The application is not specific as to from which Gat number the sugarcane was supplied to the Sugar Factory. It is further submitted that, the defendants are in the possession of the suit property & they are taking different crops in it. Thus, with these submissions, the defendants have prayed to reject the application.

04. Heard Advocate Shri. A.K. Patil for the plaintiff & Adv. Shri. A.J. Desai for the defendants.

05. It is not in dispute that, till 11/03/2024 status-quo order in the current suit was in existence. However, on 11/03/2024 both the clerks attached with civil section of this Court were on leave. Thus, by the administrative order communicated to this Court by Assistant Superintendent, instead of giving additional temporary staff, charge of civil side was kept with bench clerk of criminal side, who was alone handling ready & unready matters of criminal side. Thus, due to this overlapping, the application for extension of status-quo was not put-forth before this Court. Resultantly, the order of status-quo was not extended.

06. No doubt, the plaintiffs have come with the case of breach of status-quo order at the hands of defendants. The plaintiffs have made specific pleading that, the defendants have forcibly supplied sugarcane to Bidri Sugar Factory. However, there is no pleading as to specific date on which the sugarcane was supplied & in how much quantity, the same was supplied to Bidri Sugar Factory. Thus, the pleading pertaining to that aspect is seems to be ambiguous.

07. Today, the plaintiffs have filed on record bunch of documents to show that, they have made complaints towards the different Sugar Factories against the defendants. But those complaints are of the past year i.e. 2023. No complaint of current alleged incident forwarded to Sugar Factory is there. There is no document to denote the same. Furthermore, the current application is not supported by the affidavit.

08. The plaintiffs are under apprehension at the hands of defendants concerning the situation over suit property. The plaintiffs

have made their arguments over the interim injunction application below Exh. no. 5. The defendants are yet to argue. In these factual aspects, considering on going tough situation in between the parties & to avoid future complications in the suit. It will be better to direct both the parties to the suit to maintain the status-quo over the suit property as on today. In these factual aspects, following order is passed:-

ORDER

1. The application (Exh.58) is partly allowed.
2. Both the parties to the suit are directed to maintain “status-quo” as on today over the suit properties till next date.
3. The prayer seeking directions to Bidri Sugar Factory for depositing sugarcane bill is rejected.
4. In the peculiar facts & circumstances, there is no order as to costs.

Kagal.
Date:- 28/03/2024.

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