

Reg. Civil Suit No.111/2023.

Sakhubai Madhukar Gavli

V/s.

Jayshree Tukaram Dabholkar and ors.

Order passed below Exhibit 8.

By way of this application plaintiff seeking status-quo orders against defendant No.50 to 52.

02. It is submitted by the plaintiff that present suit is filed for declaration and cancellation of illegal decree and sale deed in regards to suit property and for injunction. It is further submitted by plaintiff that the defendants are trying to grab the huge amount of Rs. Two crores which are awarded as compensation for acquisition of land for National High Way No. 1966. Defendants are trying to cheat the plaintiff by obtaining illegal decree and by executing illegal sale deed. Therefore, plaintiff filed this suit for declaration and injunction. Plaintiff submitted that suit will not be heard in near future and time required for appearance of defendant in mean time there is possibility that defendants will grab the compensation amount. Therefore, prayed for status-quo orders against defendant No.50 to 52.

03. Perused the application and record of this suit. The suit is for declaration and injunction. It is the case of plaintiff that defendants without making party to plaintiff in suit No.14/1998 obtained illegal decree of partition. Further on basis of such decree executed sale deed dated 22.12.2015. Now the defendants on basis of said decree and sale deed trying to avoid plaintiff from getting compensation for acquisition of land for National High Way No. 1966. It is pertinent to note that plaintiff neither claimed any compensation in the suit nor this court has jurisdiction for said relief. The plaintiff claims byway of this application

in vernacular that “ प्रस्तुत प्रतिवादी क्र. ५० ते ५२ यांचेविरुद्ध नेमले पुढील तारखेपर्यंत उपजिल्हाधिकारी, (भुसंपादन) क्रमांक -६,कोल्हापूर यांचे कार्यालयातील महामार्ग क्र. १६६ याचे संपादन पैजारवाडी येथील गट क्रमांक ४०४ ची संपादन मोबदला रक्कमेबाबत “जैसे थे” आदेश पारीत करावा “. which means plaintiff claiming status-quo orders in regards to compensation amount. Compensation amount cannot be question of this suit. The status of proceedings for compensation is also not the purview of this suit. In such situations the grant of status-quo orders as prayed by plaintiff will be blanket orders.

04. Here I would like to refer observations of **Hon'ble Apex Court** in case of **Ramrameshwari Devi V/s. Nirmala Devi** reported in **2011 (4) All M.R. 904**. Wherein it is held by Hon'ble Apex Court that “ Usually the court should be cautious and extremely careful while granting ex-parte and interim injunction. The better course of court is to give short notice and in some cases even Dasti Notice to hear both the parties and then passed suitable bi-party order. In the present suit separate order of issuance of show cause notice would be passed on application below Exh.5. This is being mere application for grant of status-quo will not survive after issuance of show cause notice on interim injunction application below Exh.5. Considering these facts and circumstance plaintiff has not made any case to grant status-quo orders. In result the following order:

ORDER

Application is rejected.

Date :11.07.2023.
Place: Panhala.

Atul A. Kore,
Jt. Civil Judge Jr. Division, Panhala.