

R.C.S. No. 22/2018

CNR NO. MHKO19-000108-2018

ORDER AT EXH. 13

Vide this application the plaintiff has prayed for grant of status-quo. As per plaintiff the suit is filed for declaration and permanent injunction. Despite the appearance, the defendants 1 to 7 yet not filed their written statements and say to the application to the interim relief. Plaintiffs are holding possession over the suit property and also enjoying the same. However, defendants are trying to disturb plaintiff's possession over the suit property. Hence present application for directions against defendants to maintain the status-quo.

2. Vide their say the defendants 1 to 6 have combated the application contending its content as false and frivolous. Plaintiff has no concern with the suit property. Defendants are holding possession over the suit property. Deliberately and intentionally plaintiff has not filed on record the 7/12 extract for the period of year 2017-2018. Further, no case of urgency to grant a status-quo is made out. Ultimately, they have prayed for rejection of the application.

3. Heard both sides. Perused record. Plaintiff has come with the case that the suit property is in his possession and defendants are disturbing the same. On the other hand defendants 1 to 6 have strongly resisted the plaintiffs case alleging their possession over the suit property. Plaintiff has prayed for status-quo in respect of his peaceful possession. Thus, it has become incumbent to see whether the plaintiff has established on record the status of his possession over the suit property.

4. Perusal of record reveals the plaintiff has filed the 7/12 extract of suit property till the year 2008. The 7/12 extract for the year 2008 shows that the suit property was not in plaintiffs possession in the year 2007-2008. The column No. 12 of 7/12 extract filed by plaintiff at Sr. No. 6 at Exh. 3 records that the suit property is in possession of the persons whose names are recorded in column No. 7. Further, plaintiffs name is not appearing in column No. 7. On the contrary names of defendants 1 to 3 are recorded vide mutation entry No. 744 in column No. 7.

5. Further, the suit is filed on 06/03/2018. Plaintiffs case is based on possession over the suit property. Despite, he has not filed on record the 7/12 extract or any other

document pertaining to suit property showing his possession over the suit property on the date of filing of suit. Consequently, one can not come to the definite conclusion that today also plaintiff is holding possession over the suit property. It means the status in respect of plaintiff's possession over the suit property itself is not established.

6. Consequently, the case does not warrant for grant of order directing the parties to maintain status-quo. If the order as prayed is passed, it may result into chaos as both parties are claiming their possession over the suit property and non of them has established the actual status on today's date by filing appropriate documents on record. Hence, following order is passed :-

ORDER

Application is rejected.

Date: 06/04/2018

(M. H. Shitole)
C. J. J. D. Radhanagari
Kolhapur

I Affirm that, the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	U.S.Telang
Name of Court	Civil Judge, Junior Division & Judicial Magistrate, First Class, Radhanagari.
Date of Dictation	06/04/2018
Order signed by the P.O. On	06/04/2018
Order uploaded on	13/04/2018