

MHKO190002092025



ORDER PASSED BELOW EXH.21

IN

R.C.S No.64/2025

Satappa Narayan Dakare etc. Vs. Bhikaji

Narayan Dakare etc.

(Date:24/04/2025)

1. Present application has been filed by plaintiffs under Order-XXXIX Rule 1 and 2 along-with Section 151 of Code of Civil Procedure for seeking status-quo.
2. Defendant Nos.1 and 2 filed their say overleaf of application and resisted the application.
3. It is contended by the plaintiffs that defendant No.1 is raising construction on Block No.1188 and 1192 and thereby changing the nature of suit properties. Therefore, they sought status-quo in respect of the suit properties till the hearing of temporary injunction application Exh.5.
4. Defendant Nos.1 and 2 submitted that they have filed their written statement and say today and they are ready to argue upon temporary injunction application Exh.5. Therefore, they prayed that the present application be rejected.
5. Heard Ld. Advocates for both the parties.
6. Ld. Advocate for plaintiffs submitted that she has received copy of written statement filed by defendant Nos.1 and 2 today. Therefore, she is unable to argue on Exh.5. She argued that Status-quo order granted in favour of plaintiffs be extended till further and she showed her willingness to argue upon Exh.5 on next date.

7. Ld. Advocate for defendants argued that he had filed written statement on last date. He was also ready to argue upon Exh.5 on last date. Today also he is ready to argue upon Exh.5. Therefore, he prayed that status-quo granted should not be extended. Hence, he prayed that present application be rejected.

8. The status-quo order is to be granted in rarest of rare cases and not at the whims of the Court. Defendant Nos.1 and 2 are ready to argue upon Exh.5 today itself. Admittedly status-quo was granted in favour of the plaintiffs. Now the written statement of the defendant Nos.1 and 2 on record. They showed their willingness to proceed with the matter. However, plaintiffs sought time to argue upon Exh.5. Under such circumstances it will be proper to hear argument upon Exh.5 at the earliest as possible. Ld. Advocate for plaintiffs showed her willingness to argue upon Exh.5 on 29/04/2025. Considering facts and circumstances, I pass following order.

ORDER

1. Application Exh.21 is hereby rejected and status-quo granted in favour of plaintiffs vide order Exh.13 is hereby vacated.

2. Both the parties are directed to advance their argument on Exh.5 on 29/04/205 without fail.

Date:24/04/2025

(R. D. Shinde)
Civil Judge Junior Division,
Radhanagari.