



R.C.S. No.78/2023
Dagduba Vs. Collector
CNR No.MHLA110000732023

ORDER BELOW EXH.26

1) This is an application filed by the plaintiff for seeking relief of status quo till the decision of application for temporary injunction.

2) It is stated that, the plaintiff has filed the present suit for perpetual injunction in respect of plot bearing no. 30 out of Survey no.16 having Municipal Council Property No.835/1 having length 13.41 meter and width 9.14 meter. The plaintiff has filed application for temporary injunction below Exh.5. The suit summons were served to the defendants no. 1 to 3 & 5 but they have not filed their say to the application for temporary injunction. Meanwhile, the defendants are in haste to alienate the suit property in favour of third persons. If the defendants succeeded in alienating the suit property then there will be multiplicity of litigation and very purpose of the plaintiff to file the present suit along-with the application for temporary injunction will be frustrated. Hence, this application for status-quo.

3) The defendant no.3 filed say and opposed the application stating that the application filed by the plaintiff is vague and bogus. So, it be rejected.

4) Heard Ld. Counsel for the plaintiff and defendant

no.3. Perused the record. The application for temporary injunction below Exh.5 is pending. Meanwhile, the present application is filed by the plaintiff for seeking direction to maintain status quo. In the present situation it is the contention of the plaintiff that, defendant no. 3 be directed not to issue NOC and status quo be maintained. While granting status quo, the actual position on the spot need to be came on the record of the case. Now the actual position on the spot is not on record. It is necessary to decide the application for temporary injunction as expeditiously as possible. The plaintiff is seeking relief of temporary injunction by filing application below Exh.5 restraining the defendants from alienating the suit property in favour of third person. It is the contention of the plaintiff that, the defendant nos. 6 and 7 in-collusion with other defendants are going to alienate the suit property i.e. the road towards eastern side of plot no.30. Service of summons to the defendant nos.6 and 7 is yet not effected. In such circumstances the order of status-quo could not be passed against the defendant no.3 only. Hence, following order is passed to meet the ends of justice.

ORDER

Application for status-quo is rejected.

Place :Nilanga
Date :01/03/2023

(Anand S. Munde)
Jt. Civil Judge S. D. Nilanga.