

MHNG070008382025

**ORDER BELOW EXH.27**(Passed on this 19th day of May, 2025)

1. This is an application to maintain the status quo against the defendants, till the disposal of application for temporary injunction.

2. The plaintiffs filed the present suit for specific performance of contract alongwith the temporary injunction application at Exh.5. The matter was kept for first order before the Incharge court on 08.05.2025. The Incharge court has passed order below Exh.5 to issue show cause notice to the defendants. Thereafter the matter is kept for awaiting summons and awaiting notice on 09.06.2025. The summer vacation of the Court started on 09.05.2025. Therefore the learned advocate for the plaintiffs filed an application at Exh.7 for urgent hearing of present matter in the vacation period. This Court issued notice to the defendants in respect of urgent hearing as well as temporary injunction application. The suit summons, TI application notices and urgent hearing application notices are duly served to the defendant no.1, 2 and 4 to 6. The summons and notice is not served to the defendant no.3.

3. Today defendant no.5 appeared with his advocate Shri.Rajesh A. Bagade and filed application at Exh.26 for granting time to file written statement and say. The application was filed in

between 12.00 to 12.30 pm. The learned advocate for the defendant no.5 also orally submitted to grant further time to file the say and written statement. This Court directed him to appear in the noon session, as the plaintiffs have urgency and learned advocate for the plaintiffs will come in the noon session. In spite of due directions, the learned advocate for the defendant no.5 not appeared in the noon session and defendant no.5 in person orally submitted to this Court that his learned advocate has went at Nagpur. The learned advocate for the plaintiffs appeared before me in noon session and prayed for urgent hearing of status quo application. As in spite of due directions the learned advocate for the defendant no.5 did not appear in the noon session and failed to file his say, no say order passed in respect of temporary injunction and present application against him. As defendant no.1, 2 and 4 to 6 not appeared after service of notice, considering the urgency of plaintiffs ex parte order in respect of the temporary injunction application and present application passed against them. The learned advocate for the plaintiffs argued that if the suit property is alienated, it will create the multiplicity of the proceeding and no purpose would be served in respect of relief of alienation and it become infructuous.

4. The plaintiffs have filed the present suit for specific performance of contract and perpetual injunction. It is the case of plaintiffs that defendant no.1 to 5 and deceased Panebai, who is the mother of defendant no.6, executed a notarized agreement to sale of the suit property in favour of plaintiffs for valuable

consideration of Rs.2,00,000/- and out of which part payment of Rs.1,75,000/- has been received by them from the plaintiffs. The plaintiffs further pleaded that defendants agreed to execute the sale deed after converting the land from Class II to Class I. The learned advocate for the plaintiffs argued that the land is converted from Class II category to Class I category and defendants are trying to alienate the suit property to the third party. The photocopy of the agreement to sale is at Exh.4/1, notices issued by plaintiffs to the defendants to execute the sale deed of suit property are at Exh.4/6 and 4/8, the 7/12 extract of the suit property is at Exh.29/1. On perusal of the 7/12 extract, it prima facie reveals that the name of the defendant no.1 to 6 recorded to the suit property and the suit property is having Class I category (Bhogwatdar Varg 1). The plaintiffs seek the relief to prevent the defendants from alienating the suit property to the third party. The relief of alienation is granted in the circumstances to avoid multiplicity of the proceedings. Considering the pleadings and documents on record, it would be proper to prevent the defendant no.1, 2 and 4 to 6 from alienating the suit property. The learned advocate for the plaintiffs filed the application to grant the relief of status quo till the decision of temporary injunction application, but it would be proper to grant the relief till next date. Moreover, it would not be proper to grant the relief against the party who is not yet served. If the relief is not granted, possibility to take undue advantage of the summer vacation cannot be ruled out. Accordingly, I pass the following order-

ORDER

- 1) Defendant no.1, 2 and 4 to 6 are directed to maintain the status quo in respect of alienation of the suit property till next date.
- 2) Parties to take note.

Katol.
Date : 19.05.2025.

(V. A. Jadhav)
Jt.Civil Judge, Jr.Dn.,
Katol.

ENDORSEMENT

Case Argued on	:	19.05.2025
Order dictated on	:	19.05.2025
Transcription Ready on	:	19.05.2025
Order checked and signed off	:	19.05.2025

CERTIFICATE

I affirm that the contents of the this PDF file of order are same word to word, as per the original order.

Name of the Stenographer :- A.Y.Kulkarni (Gr-III)