

MHNG080006022025



Order Below Exh. 28

Applicant/intervenor praying for grant of status quo order by this application.

2. According to the applicant/intervenor, they are lawful owner and possessor of the suit property.

3. That, the applicants / intervenor filed the intervening one application before this Court, the applicants /intervenor are the lawful owner of the disputed property. The Plaintiff and the Defendant are trying to dispose of the suit property by creating third party interest, if the present application is not allowed then the nature of the suit property will be changed, the applicants / interveners who are real owner of the said disputed property will suffer irreparable loss and injury which cannot be compensated by any means whatsoever. That, if the Plaintiff and Defendant created third party interest in present suit property, multiple case may arise which may create the burden on the judicial machineries. That, the applicants / interveners have a good prima-facie case and hopes to succeed in it. That, the balance of convenience lies in his favor of the applicants / interveners. That, the present suit may take a considerable time for final decision in this suit, if status quo is not granted, the applicants / interveners would be subjected to suffer severe hardships and hence this application. That, during the pendency of the present suit, an ad interim injunction / status quo restraining to the Plaintiff /defendants from interfering or selling out the suit property, be kindly issued in favor of the applicants / interveners and against the Plaintiff and the defendants.

4. This court called say of the plaintiff as well as the defendant. Both of them opposed this application on the ground that, the applicant/intervenor has right to file separate suit. Present application is moved only to prolonge present suit. Parties have settled their dispute out of the court. They filed their mutual understanding/compromise agreement below list Exh. 20. Finally prayed to reject the application.

5. Read application, say filed by the plaintiff and the defendant. Perusal of record shows suit for declaration and perpetual injunction is

filed. Record further shows that, on 09.07.2025 parties appear before this court and filed their common application under Order XXIII of Code of Civil Procedure. Record further shows though the compromise agreement was filed but this court had not read and record the same. When this matter was called for intervenor/applicants moved this application. Record further shows application below Exh.10 is filed by intervenor/objectitioner to add them as parties in this suit. Since the matter with regard to admissibility of present applicant/intervenor is not decided by this court under the provisions of Order I rule 10 of Code of Civil Procedure and it is not reasonably clear as to which type of danger would present applicant sustained if injunction order is not passed. Hence, this court is of the opinion that no order of status quo can be passed in their favour. Hence I pass following order.

Order

1. Application rejected.
2. Costs in cause.

Place : Kamptee.
Dt:- 17/07/2025

(Q.R. Syed)
2nd Jt. Civil Judge Junior Division
Kamptee.

ENDORSEMENT

Case argued on	:	17/07/2025
Order dictated on	:	17/07/2025
Transcription ready on	:	17/07/2025
Order checked and signed on	:	17/07/2025

CERTIFICATE

I affirm that the contents of this P.D.F. File are same word to word as per original Order.

Name of Steno

:- Vrushabh Wanjari