

ORDER BELOW EXH.30 IN R.C.S. No. 108/2024

Pratik Vs. Genba
(Passed on 17/01/2025)

Perused the record. Heard for plaintiff.

2] This is an application for stay on the suit property. The Respondent No. 1 to 6 has taken a loan against the suit property proceeds without any legal reason and without the consent of the plaintiff. If the suit property auctioned for this loan, the plaintiff will have to forfeit his share. The notice has been served on 03/07/2024 by defendant No.9 through Tahsildar Bhor to take possession of the suit property and if they take possession, the suit property will be sold and transferred. Plaintiff in support of his submission filed his affidavit.

3] The defendant No. 7 and 9 have filed their say at Exh. 31 and denied the contentions of the present application. They stated that, by following whole procedure, the process of taking possession is going on a symbolic manner. It is further stated that, the defendant No. 1 to 5 have taken this loan for their family and it is their responsibility to repay the said loan. And therefore the said application is not maintainable. Hence, prayed to reject the application.

4] I have gone through the documents filed on record. The present suit is filed for partition and injunction. It is the contention of the plaintiff / applicant that the suit property is ancestral property of plaintiff and defendant No.1 to 6. The 7/12 extract of the suit property shows the name of defendant No. 1 and 2. It is further contention of the

plaintiff/applicant that, at the time of taking loan, he was minor and now if the property auctioned, his share will be forfeited. Ld. Advocate for defendant No. 7 to 9 argued that if the status-quo is granted, wrong message will go in the society. Defendant No. 7 to 9 nowhere denied that suit property is ancestral. Considering this thing the plaintiff/applicant will have to forfeited his share in the suit property. Considering above circumstances, I am of opinion that, it will proper to protect interest of plaintiff / applicant till disposal of Exh. 5. Accordingly, I proceed to pass following order -

:-ORDER:-

- 1) Application is allowed.
- 2) The status-quo is granted till disposal of Exh. 5.

Place : Bhore
Date: 17.01.2025.

(Meena W. Jadhav)
Jt. Civil Judge Jr. Div., Bhore.

CERTIFICATE

I affirms that the contents of this P. D. F. file order are same word for word as per original order.

Name of the Court	:- Hon'ble Smt. Meena W. Jadhav C.J.J.D. & J.M.F.C., Bhore, Pune
Name of the Steno	:- M. S. Kondhare L.G.
Date of Order	:- 17.01.2025
Signed by P.O.	:- 17.01.2025
Order uploaded on	:- 17.01.2025