



ORDER BELOW EXH. 41

(Passed on 17/02/2023)

This is an application filed by plaintiffs against defendants no. 1 to 3 for Status-quo till the decision of Exh. 5.

2. According to the plaintiffs the matter is posted for hearing on Exh. 5. However, defendants no. 1 & 2 with the help of defendant no.3 and the index in haste to create third party interest and to alienate the same to strangers. This fact recently came to the knowledge of the plaintiffs. Therefore, by filing this application plaintiffs submitted that, till the decision of Exh.5 defendants no. 1 to 3 may ordered to maintain Status-quo in respect of the suit property. Hence, this application.

3. The Ld. Advocate for defendants no.1 to 3 filed say and thereby opposed the application contending that, the present application is not maintainable. According to him the names of defendant no. 1 & 2 yet not mutated over the suit property in revenue record. The plaintiffs have moved this application only consume the valuable time of the Court. The plaintiffs had also filed one another application on account of same reasons. Hence, he prayed to reject the present application.

4. Perused the application. Heard both sides. It reveals from arguments of both sides that, the suit property was in the name of plaintiff no.2 and it has received him by way of compromise in R.C.S. no. 194/2014. It also reveals that, the plaintiff no.2 was minor at the relevant time. It is the contention of plaintiffs that, the defendant no. 3 alienated the suit property to defendant no. 1 & 2. Their sale deed also

came into existence which has bearing no.6349/2022 dt. 5/9/2022. The document in respect of cancellation of mutation entry of concern sale deed is also placed on record. There is apprehension of plaintiffs that defendant no. 1 & 2 with the help of defendant no. 3 again alienate the same to strangers and it creates complication in the suit. Therefore considering these facts in my considered view till the decision of Exh. 5, it is required to give directions to maintain Status quo in respect of the suit property to defendants no. 1 to 3. Hence, in the light of above discussion I proceed to pass following order.

ORDER

1. The application is allowed.
2. Defendants no. 1 to 3 are directed to maintain Status quo in respect of suit property till the decision of Exh. 5.

Date- 17/02/2023.

(Sharad B. Kaldate)
Jt.Civil Judge (Jr.Dn.),
Daund.

Certificate

I affirm that, the contents of this PDF File are same words to words, as per the original Judgment/Order.

Name of Stenographer : Deepak A. Merukar, Grade- 3
Upload on date : 20/02/2023.