

	RCS No. 80/2021 Madhukar B. Bankhele Vs. Bajrang Mahadu Bheke
---	--

ORDER BELOW EXH. 34

Plaintiff has filed the present application to grant Status Quo by contending that the defendant nos. 1, 2 and third person namely Darshan Pandurang Nighot should not obstruct the possession of plaintiff and should not take illegally possession of plaintiff.

02. Defendant objected to the application by filing a reply.

03. Heard both sides at length. Considered their submissions.

04. The ld. Adv. for the plaintiff submitted that the present suit is for declaration and permanent injunction. The defendant nos. 1 and 2 have the knowledge of the present suit. They have knowledge that the present suit is pending and the suit property is the subject to the decision of the court. Despite that on 01/01/2025 defendant nos. 1 and 2 sold the suit property without any right, ownership and necessity to the third party namely Darshan Pandurang Nighot by registered sale deed no. 08/2025. The name of said third person is recorded on 7/12 extract by the mutation entry No.3461.

05. He further submitted that by the registered sale deed the said third person does not acquire any right in the suit property. The plaintiff is the owner of suit property by the sale deed of 1964. He is in the possession of suit property. The said third person is now illegally trying to acquire the possession of suit property. The plaintiff has that apprehension. If this happens the plaintiff will suffer irreparable loss. The plaintiff has taken necessary steps to add the said third person as defendant in the suit. It will require time to amend

the application and add the said third person in the suit also to serve the summons to him. Therefore in the meanwhile if the defendant by taking undue advantage of age of plaintiff, took possession of the suit property then plaintiff will suffer irreparable loss. There will be multiplicity of the proceedings. Hence to avoid this he prayed to allow the application.

06. The ld. Adv. for the defendants submitted that the application of temporary injunction (Exhibit no. 5) is pending since 2021. Today what is the present status of the suit property is not before the court. He further submitted that the plaintiff has not brought on record any document to show the obstruction to the possession like photographs, affidavit of neighbour etc. There is no cogent reason to allow the application. Hence he prayed to reject the application.

07. Perused the application and say. The third person namely Darshan Pandurang Nighot is not yet added as a defendant to the suit. Therefore he is not a party to the suit as well as to this application. Plaintiff has only apprehension that defendants will take the possession of suit property. There is no prima facie evidence showing that defendants are obstructing possession of the plaintiff. The plaintiff has filed an original copy of NCR given to the Manchar Police station but that NCR is against the unknown person. Today who is in the possession of suit property also the present status of suit property is not before the court. The plaintiff has failed to file an affidavit in support of the status quo application. Thus, the blanket status quo order can not be granted against the defendants. Hence I pass following order.

ORDER

- 1) The application is rejected.
- 2) Cost in cause.

Sd/-

(Sneha Sunil Pulujkar)

2nd Jt. Civil Judge Juinor Division,
Ghodegaon, Dist. Pune

Date : 27/02/2025
Ghodegaon

CERTIFICATE

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

Name of the Court	: Smt. Sneha Sunil Pulujkar, 2 nd Jt. C.J.J.D. and J.M.F.C., Ghodegaon, Dist. Pune.
Name of the Steno	: J. S. Kaite, Steno Grade - III.
Order / Judgment date	: 27/02/2024.
Order / Judgment signed by P.O. on	: 27/02/2024.
Order / Judgment uploaded on	: 27/02/2024.