

Pradip Prabhakar Hemade and Ors.
V/s.
Nitin Dinkar Kakade

ORDER BELOW EXH.10

This is an application filed by the appellants seeking status quo order against respondent till disposal of main appeal.

2. It is submitted by Ld. Advocate for the appellant that being aggrieved with impugned order, the appellants have preferred this appeal along with application Exh. 5 for interim injunction but notice came to be issued to the respondent. He further submitted that in response to notice the respondent has appeared but it will take some time to hear this appeal and taking advantage of no interim protection, the respondent is trying to dispossess the appellants from the suit property and so it is necessary to direct the respondent to maintain status quo till disposal of this appeal.

3. On the other hand, Ld. Advocate for the respondent submitted that the appellants have failed to show their lawful title and lawful possession over the suit property and so the Ld. Trial court has rejected the application Exh. 5 and even application Exh.27 for maintaining status quo during appeal period. He further submitted that the predecessor in title of the appellants itself was not having the land which is sold to the appellants and so the appellant cannot be possession the suit property and if any status quo order is granted then it will defeat the ends of justice. He further submitted that he is ready to argue the main appeal itself if fixed on appropriate date and as such prayed rejection of the application.

4. Perused the application and the record. Heard Ld. Advocates for both sides. On perusal of the record it prima facie shows that the application Exh. 5 filed by the appellants for temporary injunction came to be rejected by the Ld. Trial Court mainly on the ground that the appellants are not having lawful title and lawful possession over the suit property. Since there is serious dispute between the parties regarding the title and possession, granting any status quo order at this premature stage without final hearing the parties would cause grave injustice. Therefore, no relief can be granted to the appellants as prayed. Rather it would be proper to hear the main appeal itself. Hence, the following order :-

ORDER

- 1] Application Exh. 10 is rejected.
- 2] Both parties are directed to argue the main appeal itself.

Ghodnadi-Shirur.
Date: 10/07/2026

(N.S. Momin)
District Judge-1
Ghodnadi-Shirur, Dist. Pune.