

**ORDER BELOW EXH.30 IN SPL.C.S. NO.200/2024**

01] The present suit is filed by plaintiff for specific performance of contract as well as for injunction. It is submission of Ld. Advocate for plaintiff that, summons was served on defendant No.1 to 6, but they are not appeared in the suit. Writ petition No.14584 of 2022 and writ petition No.12273 of 2022 were disposed off as per order of Hon'ble High Court dated 29/04/2024.

02] Ld. Advocate for plaintiff submitted that, defendant No.6 is trying to take allotment of suit plot from the CIDCO. Even it is submitted that, defendant No.1 to 6 are trying to create third party interest. Hence, plaintiff submitted for status quo order against defendant Nos. 1 to 6.

03] Defendant No.1 to 5 are not appeared before the Court evenafter service of notice. Defendant No.6 appeared before the Court and filed his say on record. He objected the application submitting that, it is directed by Hon'ble High Court in the writ petitions mentioned above that CIDCO shall take say of plaintiff in this suit as well as defendants before allotment of plot and accordingly, appropriate order be passed for the same. Even it is also mentioned that aggrieved party will have sufficient remedy as per law.

04] Perused record. It appears from the record that, the present suit is filed on second week of April 2024. Hon'ble Bombay High Court decided writ petitions mentioned above on 29/04/2024. The present plaintiff was also appeared in the proceeding of writ

petitions. It is nowhere mentioned that plaintiff had submitted in the Hon'ble High Court about pendency of this suit at the time of passing of order. Even considering contents of application of status quo, it is reflected that, plaintiff alleging that defendant No.6 are trying to take allotment of plot from CIDCO in his favour. The direction given in the order by Hon'ble High Court are mandatory for CIDCO. Hon'ble High Court has given Authority to the CIDCO to allot the plot only after taking say of all parties of writ petitions that is plaintiff and defendants in the present suit and thereafter allot the plot to the appropriate party. In such circumstances, if status quo order will be passed, it will be difficult for CIDCO to follow the directions of Hon'ble High Court and to proceed accordingly. Hence, the application for status quo cannot be granted. Hence, the order-

**ORDER**

1. The application is rejected.
2. Parties to proceed with application below Exh.5 expeditiously.

Panvel  
Dated :10/05/2024

( A.A. Godse)  
2<sup>nd</sup> Jt. Civil Judge, Sr. Dn., Panvel.