

**R.C.S. No.52/2024**

Prakash Maruti Bhutkar

Vs.

Pallavi Prakash Bhutkar

ORDER PASSED BELOW EXH.13

1. This is an application moved by the plaintiff praying for an order of maintaining status quo against defendant.

2. It is the averment of the plaintiff that the present suit is filed for perpetual injunction and declaration against defendant. The plaintiff has also filed an application seeking temporary injunction against defendant at Exh.5 by praying that defendant be restrained temporarily from transferring, creating any kind of encumbrance over suit properties till final decision of the suit. Summons was issued to defendant, but it is not served as defendant was not present on the given address. The suit property is purchased by the plaintiff from his self income. The plaintiff while purchasing the property has nominally added the name of defendant as co-purchaser. By taking advantage of this fact, defendant is trying to alienate the suit property. If defendant succeeded in creating third party interest in the said house property, it will be the plaintiff only who will suffer irreparable loss. Moreover, proceeding of the suit will be unnecessarily delayed. Therefore, till the decision on an application for temporary injunction (Exh.5), order of status quo be passed in respect of the said house property

for maintaining the position as it is. The application is supported with an affidavit of the plaintiff.

3. Perused the application heard the Ld. Advocate for the plaintiff at length.

4. It is well settled law that direction to maintain status quo can be granted in rarest of the rare cases where prima facie strong apprehension to rights of party claiming exists there. In the case at hand, no document is on record to show that defendant is alienating the suit property which is in dispute in the suit. Apart from bare words of the plaintiff, no documents are produced by him in support of averments of the apprehension in the application. Apart from this it is also settled that direction to maintain status quo cannot be granted unless prima facie case is made out and therein also balance of convenience should be in favour of the plaintiff/ the party claiming the relief of status quo which does not exist in the instant case. Considering all these aspects, I am of the considered view that this is not a fit case to grant the order of ex-parte status quo against defendant. Hence, the order -

ORDER

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

Date : 11/06/2024

(A. S. Wadkar)
Civil Judge, J.D., Karjat,
District - Raigad