

Order below Exh.21 in RCA No.12 /2026
(CNR NO.MHRT 010001382026)

Read application of appellant and say filed by respondent no.2 upon it. Heard Ld. Adv.Mr.Surve for appellant and Ld. Adv. Mr. Gurav for respondent no.2. Perused case record.

2. The application is filed by appellant to direct the respondent no.2 to maintain status quo in respect of suit property. The appellant has contended in his application that the respondent no.2 started action to remove the houses situated in suit property. The notice of appeal is urgently served upon respondent no.2 and respondent no.2 has appeared today in this appeal. The respondent no 2 sought adjournment for argument on stay application at Exh No. 7. There is no stay order in existence in this appeal. In absence of it, respondent no.2 may demolish the buildings situated in suit property and take possession of suit property. If it is happened, then appellant may suffer irreparable loss and subject matter of appeal may become infructuous. So, appellant has prayed to direct respondent no. 2 to maintain status quo in respect of suit property till next date.

3. The respondent no.2 has filed its say and resisted the application. The respondent no.2 has contended in its say that the notice of appeal was served upon it on 08/03/2026. So, it is not possible to file say on application of appellant at Exh. No.7 today. The notice of appeal is not served upon respondent no.1 and respondent no. 1 has resisted the suit of appellant before Trial Court. So, respondent no.2 has prayed to reject the application.

4. Ld. Adv. Mr. Surve has argued for appellant that respondent no.2 is trying to demolish the buildings in suit property in absence of stay order to the decree of Trial Court which is challenged in the appeal by the appellant. If, the respondent no.2 demolishes said buildings, then appellant may suffer loss and subject matter of appeal may become infructuous. So, he has prayed to direct respondent no.2 to maintain status quo in respect of suit property.

5. Ld. Adv Mr. Gurav has argued for respondent no.2 that notice of appeal is served upon it on 08/03/2026 and respondent no.2 has not received sufficient opportunity to file say on stay application of appellant at Exh. No.7. The notice is not served upon respondent no.1 who is prime contestant of suit filed by appellant before Trial Court. So he has prayed to reject the application.

6. The appellant has challenged Judgement and decree of Trial Court passed in RCS No.263/2015 in this appeal. It is contention of appellant that respondent no.2 is trying to demolish the buildings situated in suit property. The respondent no.2 has not denied said fact. The subject matter of this appeal are those buildings situated in suit property in respect of which Trial Court has passed Judgment and decree in RCS No.263/2015. If, the status of subject matter of suit is changed during the pendency of stay application at Exh No.7 due to acts of respondent no.2, then appellant may suffer prejudice to his right in this appeal. On the contrary, if respondent no.2 is directed to maintain status quo in respect of suit property which is subject matter of appeal till next date, then respondent no.2 may not suffer any prejudice. Hence, application deserves to be allowed accordingly. Hence, I pass following order :-

ORDER

The application is allowed on condition that respondent no.2 shall maintain status quo in respect of suit property which is subject matter of appeal till next date.

Date : 10/03/2026

(Samir G. Baokar)
Adhoc District Judge - 1
Ratnagiri.

CERTIFICATE

I affirm that the contents of this pdf file order are same words as per original order.

Name of Stenographer : A.A. Shivalkar
Court Name : Adhoc District Judge - 1
Ratnagiri.
Date of Order : 10/03/2026
Order Signed by P.O. on : 10/03/2026
Order uploaded on : 13/03/2026