

C.N.R.No. MHSI -07-000035-2017

Order below Exh. 24 in R.C.S. No. 12/2017

Present suit is filed for perpetual injunction as well as to get compensatory cost.

02. Present application is filed by plaintiff to pass the order of extension of status quo till final disposition of temporary injunction application. Plaintiff submits in brief that, previously an order of extension of status quo had been passed in favour of plaintiff. Plaintiff had moved application for extension of status quo order on 12/06/2017 and it was not decided till the date. Therefore plaintiff did not move separate application for extension of status quo order till today. Plaintiff is ready to argue finally on temporary injunction application but defendant has sought adjournment today. Therefore, in the interest of justice an order of extension of status quo till the final disposition of temporary injunction application may kindly be passed. Contending all these grounds, plaintiff has prayed for grant of this application.

3. Defendant has filed his say and strongly opposed the present application. He submits in brief that, an order of status quo so far as suit property is concerned is not in existence. On account of plaintiff's failure to move the Court for extension of status quo order, previous status quo order has been vacated. Application itself is false and illegal. Therefore, it may kindly be rejected. Hence the say.

04. Heard both sides at length. Perused the record and roznama from which it is seen that, initially plaintiff had filed application on 12/06/2017 for passing of an order of extension of status quo till the final disposition of temporary injunction application. That application appears to be remained as undecided.

It is also matter of record that, plaintiff did not bring the attention of this Court for passing of appropriate order on application dated 12/06/2017. It means plaintiff was not aware of his rights as well as interest in the present matter so far as suit property is concerned. So also, it is a matter of record that, plaintiff did not file any single application thereafter for passing of order of extention of status quo.

05. It seems that my predecessor by passing order on application vide Exh. 15 dated 06/03/2017 had continued status quo order till 03/04/2017 but thereafter, plaintiff did not file application for extention of status quo order on 03/04/2017 as well as on 27/04/2017. If the record and roznama are seen then it becomes crystal clear that plaintiff had no interest to move the Court on merit for extention of status quo order so far as suit property is concerned and therefore, he did not bring the attention of this Court for passing of appropriate order on application dated 12/06/2017. In such circumstances law will not help the plaintiff. Therefore, application is devoid of merit and thus deserves to be rejected. Hence the order follows-

Order

Application stands rejected.

(Dictated and pronounced in open Court.)

Sd/-

(R.R.Kale)

Civil Judge, (J.D.) Malvan

Date:- 24th July, 2018