

CNRMHSN040008282024**Misc. Civil Appeal No. 37/2024**

Rajpal Baburao Kamble - Appellant
Vs.
Lata Sidharth Dalavi and ors. - Respondents

Order below Exh. 5

1] Heard learned advocate Shri. Rajwardhan for the appellant.

2] There is no caveat in the matter.

3] The learned advocate took me through the private paper book filed on record and submitted that till passing the impugned order on Exh. 40, the trial court has directed the parties to maintain status-quo and even after rejection of the application for temporary injunction the trial court was pleased to continue the order of status-quo till filing appeal period. The learned advocate submitted that the status of the property is as per the photographs filed at page no.131 of the private paper book i.e. till the plinth level and half prepared columns and the status of the property is same till the date of status-quo order. Said order was in force till the filing of the appeal. He submitted that in case defendant Nos 1 to 9 are not restrained by prohibitory order and they construct the structure, it would cause multiplicity of litigation and therefore he prayed for extension of status-quo till the decision of this appeal.

2] I have gone through the initial order of status-quo passed on Exh. 81 on 10-12-2023. it appears that by the said order the trial court had directed the plaintiff and defendant No.1

to 9 to maintain status-quo in the suit property survey No. 916/36 and 916/35 as per photographs filed at Exh. 83/2 in the trial court. It further appears that after rejection of the application for temporary injunction the trial court was pleased to extend the status-quo order at Exh. 148. Considering the submission made at bar by advocate for the appellant Exh. 149 was the application for continuation of the status-quo which was earlier granted at Exh. 81. In the result I find that till the date of filing of appeal the order of status quo was in force as passed by the trial court. Considering the status of the property as it appears in the photographs at page No.131 filed in the private paper book, I find it fit case to extend the status quo granted by the trial court till appearance of respondent No.1 to 9 i.e. original defendant Nos. 1 to 9. Hence the following order-

ORDER

1] Till appearance of respondents i.e. original defendant Nos. 1 to 9 the order of status-quo as granted by the trial court by order below Exh. 81 which was then continued by order below Exh. 149 is continued.

2] Issue notice to respondent Nos. 1 to 9 why interim relief so granted shall not be directed to be continued till the final decision of the Misc. Civil Appeal. Notice returnable on or before 14-11-2024.

Dated: 15/10/2024.

(Aniruddha Y. Thatte.)
District Judge 2 Islampur.