

ORDER BELOW EXH.1
IN REGULAR CIVIL SUIT NO.100/2022.
(Laxman Shinde Vs. Sushila Shinde)

1. Present application is filed by the plaintiff for granting status quo in respect of the suit properties till further order. Plaintiff submitted that, present suit is filed for partition, possession, declaration and permanent injunction. Considering nature of the relief sought by the plaintiff, he has also prayed for interim injunction against defendants vide exh.5. According to plaintiff present matter was fixed on 30.06.2022. However due to some technical difficulty summons could not be issued to defendants. As such, plaintiff filed the present application.

2. Plaintiff further submitted that on 03.07.2022 at about 2.00 p.m. defendant no. 5 came over the suit property and obstructed his possession and made mischief of the plaintiffs crops. Due to the obstruction made by defendant no. 5 plaintiff prayed for status quo till further order.

3. Defendant no. 5 filed her say and strongly objected present application. She submitted that she has purchased 0.42 R land of Gat no. 912 from Rajaram Ishwar Kore on 13.02.1997. Accordingly her name is also mutated at revenue record. As such it is herself acquired property and she is owner and in possession of the same. Therefore according to her suit property mentioned in para 1-b is in possession of the plaintiff. Therefore no question of obstruction arose hence she prayed for rejection of the application.

Defendant no. 1 to 4 also filed their say & submitted for rejection of the application.

4. Purused the record, Heard both advocates. Admittedly plaintiff has filed the present suit for partition, possession declaration and permanent injunction. It is a case of plaintiff at this stage that defendant no. 5 obstructed his peaceful possession after filing of the present suit. In this respect plaintiff has filed photographs vide list exh. 31. I have seen said photographs. From the photographs it can not be assumed from which property same are snapped. Basis of the present suit is the sale deed executed in favour of defendant no. 1 who is plaintiffs mother. Defendant no. 5 purchased same property from defendant no. 1. As by way of present application plaintiff is seeking relief against defendant no. 5 for keeping status quo, current status of the suit properties is not came before the court. Therefore on the basis of vague submission made in the application and for devoid of merit present application is rejected. Both the parties to take note.

Place-Miraj.
Date 13.07.2022.

(Smt. Ranjana Vijay Kamble)
3rd Jt. Civil Judge, Jr.Dn., Miraj.

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Stenographer	:- Mr. S. S. Shingana
Name of Court	:- 3 rd Jt. Civil Judge (J.D.) and Judicial Magistrate First Class, Miraj, Dist.Sangli.
Date of decision / typed	:- 13.07.2022
Judgment/order signed by the P.O. on	:- 13.07.2022
Judgment/order uploaded on	:- 14.07.2022