



ORDER BELOW EXH. 51 IN R.C.S NO. 92/2023
Krushnakant & Ors. Vs. Sushilabai & Ors.

This application is filed by plaintiff for grant of status-quo order. Applicant submitted that he has prayed for interim injunction order that defendant Nos. 4 to 8 be restrained from alienating the suit property. The defendant No.6 has asked for adjournment for filed his reply. Therefore, defendants be directed to maintain the status-quo as to suit property. Defendant No.4 to 7 file reply to this application and thereby submitted that RCS No. 32/2016 had been decided on merit. Thereafter, the said decree has also been executed. Therefore, this application is not maintainable. Accordingly, prayed for rejection of the application.

02. Perused the application and reply. Heard arguments of both parties. The Ld. Advocate for plaintiff argued that defendant Nos. 4 to 8 are trying to alienate the suit property. Further, plaintiff is in possession over the suit property. Therefore, defendants be directed to maintain the status-quo. On the other hand, the Ld. Advocate for defendant Nos. 4 to 7 argued that impugned decree has been passed on merit. Therefore, complicated questions of title and possession cannot be entertain at this stage. Hence, status-quo order cannot be passed.

03. This suit is filed for setting aside judgment and decree passed in RCS No. 32/2016 and for partition & separate possession. In the present application there is no single reason mentioned as to why status-quo order is necessary. Application does not disclose apprehension as to alienation of suit property. Impugned decree has

been executed and necessary entries have also been sanctioned. The question of possession and title is in serious dispute, which cannot be decided by ignoring impugned judgment and decree. As stated above, application does not disclose as to why status-quo order is necessary. Further, there is no evidence on record to show that defendants are trying to alienate the suit property. Hence, status-quo order cannot be granted only without there being any reason and without apprehension of damage the suit property. *Kabjepatti* has been drawn by executing authority. It means, the question of possession is also in dispute. No prejudice would be caused to plaintiff if status-quo order is not granted. Hence, application deserves to be rejected. In the result, I pass the following order-

ORDER

1. Application at Exh. 51 is hereby rejected.

Date: 05/12/2023

Kavathe-Mahankal.

sdxx
(Arun R. Vyawahare)
Civil Judge, Junior Division,
Kavathe-Mahankal.

Certificate

I affirm that the contents of this P.D.F. file order is same, word to word, as per the original order.

Name of the Stenographer - H.P.Haridas

Court - CJJD and JMFC, Kavathe-mahankal.

Date - 05.12.2023

Order signed by the

Presiding Officer on -05.12.2023

Order uploaded on -06.12.2023

**ORDER BELOW EXH. 1 IN R.C.S NO.94/2016****Bhagayshri & Ors. Vs. Bhauso & Ors.****CNRNO.MHJN070007202016**

Today, the plaintiffs and their Ld. Advocate are absent. Since 21-04-2018 the suit is pending for evidence of plaintiffs, but till today evidence is not given by plaintiffs. Several adjournments have been given to plaintiffs. On 17-08-2022 an adjournment was granted as last chance. Thereafter, suit was posted for passing dismissal in default order. On 07-11-2022 again application was filed for adjournment which was granted. Thereafter, on 02-01-2023 again adjournment was asked which was granted subject to costs of Rs. 600/- which is not paid till today. Thereafter, also sufficient time has been given to plaintiffs for taking steps.

02. Today, adjournment application is filed which has been rejected. Since last four years, plaintiffs have not taken steps. Further, they did not comply with costs order dated 02-01-2023. The record shows that plaintiffs are not interested in the trial. Suit is very old. Therefore, no purpose would be served by keeping the suit pending. Hence, suit deserves to be dismissed for want of prosecution. In the result, I pass the following order-

ORDER

Suit is dismissed for default of plaintiffs.

Date: 12/07/2023

Kavathe-Mahankal.

(Arun R. Vyawahare)
Civil Judge, Junior Division,
Kavathe-Mahankal.

Order below Exh. 1 in RCS No. 27/2021

Present suit is filed for removal of encroachment and for mandatory injunction. Perused the plaint. There is no rough sketch map attached with the plaint. As per order VII Rule 3 of C.P.C., if the suit is for encroachment, rough sketch map must be filed along with the plaint to show the location of encroachment and extent of encroachment. As stated above, there is no rough sketch map or any other map on record. Further, four boundaries of suit properties are also not mentioned. Hence, plaintiffs are directed to take appropriate steps for compliance of provision of Rule 3 of order VII of C.P.C.

Date: 04/08/2023

Kvathe-Mahankal.

(Arun R. Vyawahare)
Civil Judge, Junior Division,
Kvathe-Mahankal.

Certificate

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

Name of the Stenographer - H.P.Haridas

Court - CJJD and JMFC, Kavathemahankal.

Date -04.07.2023

Order signed by the

Presiding Officer on -04.07.2023

Order uploaded on -06.07.2023