

ORDER BELOW EXH. 25 IN RCS NO. 71/2024

The Plaintiffs have filed the present application seeking the relief of *ad-interim* temporary injunction against the defendants.

02. It is the contention of the plaintiffs that on 16/11/2024, the defendants had forcefully entered upon the suit property and caused the obstruction to the possession of the plaintiffs over it and remained there for certain time. The defendants in spite of request to leave the premises of suit property, they avoided to do the same and abused plaintiff no. 3. The plaintiffs were restrained from enjoying their essential goods and medicines due to above mentioned acts of defendants. Such acts of defendants are caused the disturbance to the personal life of plaintiffs. The defendants are repeatedly in attempt to cause obstruction to the possession of the plaintiffs by forcefully entering upon the suit property. Therefore, they needs to be restrained from doing further acts of obstruction. Hence, the present application may be allowed and relief of *ad-interim* temporary injunction may be granted against the defendants.

03. Heard the Ld. Advocates for plaintiffs for considerable time. Perused the record.

04. It appears that the plaintiffs have filed the present suit for perpetual injunction with respect to the suit property bearing its Gat No. 1500 out of which a plot ad-measuring its area 274 sq.m. bearing its Plot No. 1/1. In support of contentions the plaintiffs have relied on the sale deed dated 25/06/2024. After perusal of such sale deed it appears that it was being executed by one Shobhatai Raghunath Shinde in favour of Shahaji Narayan Desai i.e. plaintiff no. 1.

05. It further appears that the present defendant no. 1 has filed Spl.C.S.

No. 111/2024 against present plaintiffs and others for partition, possession and for declaration wherein the present suit property appears to be one of subject matter of the above suit. The present defendants have filed an application below Exh. 16 for staying the present suit under Sec. 10 of Code of Civil Procedure, 1908 contending thereby that by virtue of pendency of Spl.C.S.No. 111/2024, present suit is not tenable under aforesaid provision. The plaintiffs have filed an application below Exh. 5 seeking the relief of temporary injunction against the present defendants. From the above record, it further reveals that parties from both sides have claiming their right and interest over the suit property. Sufficient time is required for hearing and passing of necessary order/s below Exh. 16 and 5. Meanwhile, the present position and status of the suit property as well as the parties concerned needs to be protected. Otherwise, it may lead to multiplicity of proceedings and complications in the suit. The present application is supported with affidavits of plaintiff no. 1 to 3. So also, the rights and interests, if any of the parties concerned needs to be protected till the decision of application below Exh. 16 and 5. Therefore, to secure the ends of justice as well as protecting the rights and interests of both parties, granting of *status-quo* order with respect to suit property will be just and proper. No prejudice appears to be caused to either of the parties. Hence, in view of above facts, I pass the following order.

ORDER

1. Both parties are hereby directed to maintain the *status-quo* of suit property till next date.
2. Both parties are further directed to expedite the application below Exh. 16 and 5.

.. 3..

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Shahaji Vs Dipali
Exh. 25

3. Parties are hereby directed to take the note of the
same.

Date : 21/11/2024

Place: Kavthe Mahankal

(P. J. Ligade)

Jt. Civil Judge Junior Division