

ORDER BELOW EXH. 28 IN R.C.S. NO. 32 /2017

Perused the application and say. Heard both side. The plaintiff has apprehension that defendant no. 1 may mortgage the suit properties by taking the benefit of his name over the suit properties. The plaintiff has relied on the copy of application vide Exh. 30/1 for showing that he has approached to the bank for not giving any loan to defendant no. 1. Advocate for defendant resisted the application on the ground that defendant no. 1 has not approached to the bank for loan. He is of 80 years old. He is unable to search the necessary document to support his defence. It is pertinent to note that the summons and notice of Exh. 5 has been served to defendant on 10-03-2017. The period of 30 days is not completed. It is important to note that the plaintiff has not adduced the documents for showing that defendant no. 1 has approached to the bank for loan. The document which has filed by him is the application which is given by him to the bank. It doesn't mean that defendant no. 1 has approached to the bank. Further, the application is not supported with the affidavit of the plaintiff. There are no sufficient and cogent documents which suggest that defendant no. 1 has approached for the loan. Thus, in absence of sufficient material on the record, it would not be proper to pass a blanket order of status-quo. The hearing of application below Exh. 5 is yet to proceed. The plaintiff has fullest opportunity to lead the evidence in support of his claim. Thus, at this

point on considering the aforesaid discussion, I do not deem fit to pass the order of status-quo. Thus, in the result, I pass following order,

ORDER

1. The application is rejected.
2. Defendant no. 1 do file his say as early as possible.
3. Parties and their advocate do take note of order.

Place :- Atpadi.

Date :- 24-03-2017.

Sd/xxx

(V.V.Kulkarni)

Jt. Civil Judge Jr. Dn. Atpadi.

Dist-Sangli.