

ORDER BELOW EXH.44

Instant application has been filed by plaintiffs under Section 151 of the Code of the Civil Procedure for maintain status-quo till filing of appeal. It is averred by the plaintiffs that defendant No.1, 2 and 4 making construction and tried to change the status of the suit property. Today, Exh.5 is rejected and if the status-quo is not granted till filing appeal, defendant No.1, 2 and 4 will be changed the status of the suit property. It is further averred that defendant No.1, 2 and 4 will not be suffered any loss, if status-quo is granted. Hence, plaintiffs urged for granting of status-quo till preferring appeal.

02. Per contra, the Ld. counsel for the defendant No.1, 2 and 4 filed their say. They denied the whole contention of the application of the plaintiffs in toto. They contended that after considering the submissions and documents, application below Exh.5 is already decided on merits. Present application is not tenable. Hence, defendants urged for rejection of instant application.

03. Heard Ld. counsel for the plaintiffs and defendant No.1, 2 and 4 at length. The Ld. counsel for the plaintiffs submitted that they want to assail the order of application below Exh.5 before the Appellate Court. He further submitted that the defendant No.1, 2 and 4 will be changed the status of suit property, if the status-quo will not be granted. If status-quo will be granted, no any loss would be caused to the defendant No.1, 2 and 4. Per contra, Ld. counsel for the defendant No.1, 2 and 4 submitted that after giving ample opportunity of hearing both the

parties, application Exh.5 is decided on merits. If, today, the status-quo will be granted, then, injustice would be caused to defendant No.1, 2 and 4 only.

04. After considering rival submissions of both the parties and after perusal of the record, it is already concluded that plaintiffs have failed to make out prima-facie case. It is important to note here that this Court has only rejected application Exh.5. Therefore, no question arises for granting of status- quo till filing appeal. Hence, for the reasons recorded supra. The application Exh.44 comes to be merit-less. Hence, I pass the following order;

ORDER

- 1) The application at Exh.44 is hereby rejected.
- 2) No order as to costs.

Place- Vita.
Date:- 06.05.2023.

(M.Sharique A.U.Rahman)
Jt. Civil Judge Jr. Dn., Vita,
Tal.Khanapur, Dist.Sangli.

CERTIFICATE

I affirm that the contents of this PDF file are same as per the original.

Name of Stenographer	:- S.V. Gaikwad
Name of the Court	:- M.Sharique A.U.Rahman, Jt.Civil Judge Jr. Dn.,&J.M.F.C., Vita. Tal:-Khanapur.
Date of decision	:- 06.05.2023
Order signed by P.O. on	:- 06.05.2023
Order uploaded on	:- 06.05.2023.