

ORDER BELOW EXH.21

Instant application has been filed by plaintiffs under Order 41 Rule 5 read with Section 151 of the Code of the Civil Procedure for suspension of order and continuation of status-quo order passed on 07.10.2022. It is averred by the plaintiffs that defendants tried to obstruct her possession and create third party interest in the suit property. Today, Exh.5 is rejected and if the status-quo is not continued till filing appeal, defendants will be dispossessed and create third party interest in the suit property. It is further averred that defendants will not be suffered any loss, if status-quo is continued. Hence, plaintiff urged for continuation of status-quo till preferring appeal.

02. Per contra, the Ld. counsel for the defendants filed their say. They denied the whole contention of the application of the plaintiff 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 plaintiff and defendants at length. The Ld. counsel for the plaintiff submitted that she want to assail the order of application below Exh.5 before Appellate Court. He further submitted that the defendants will be dispossessed and create third party interest in suit property, if the status-quo will not be continued. If status-quo will be continued, no any loss would be caused to the defendants. Per contra, Ld. counsel for the defendants submitted that after giving ample opportunity of hearing both the parties, application Exh.5 is

decided on merits. If the order passed below Exh.5 is suspended or status-quo is continued, then, injustice would be caused to defendants only.

04. After considering rival submissions of both the parties and after perusal of record, it is already concluded that plaintiff has failed to make out prima-facie case. It is important to note here that this Court has only rejected application Exh.5. It is not disputed that there is no any order by this Court on the basis of which the defendants create third party interest or dispossess plaintiff from suit property. Therefore, no question arises for granting of suspension to the effect and operation of the order passed below Exh.5 and for continuation of order of status-quo passed on 07.10.2022. Hence, for the reasons recorded supra. The application Exh.21 comes to be merit-less. Hence, I pass the following order;

ORDER

- 1) The application at Exh.21 is hereby rejected.
- 2) No order as to costs.

Place- Vita.
Date:- 13.04.2023.

(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	:- 13.04.2023
Order signed by P.O. on	:- 13.04.2023
Order uploaded on	:- 15.04.2023.