

ORDER BELOW EXHIBIT 89 IN RCS NO. 276/2021

01. Perused the record. Heard Ld.Advocate Shri.V.P.Kumbhar for the plaintiffs. Ld.Advocate for the plaintiffs submitted that despite service of summons the defendant No.31 Ravsaheb Shivaji Mashal did not appear in the present suit. Ex parte order is passed against defendant No.31 long back. The plaintiffs have got ownership rights in the suit property Revision Survey No.328/1 situated at Vita, Tal.Khanapur, Dist.Sangli as per the registered exchange deed dated 06.07.2010. The suit property is not yet partitioned by metes and bounds. The defendant No.31 has started construction in the middle portion of the suit property without demarcation of the land purchased by the defendant No.31. Ld.Advocate for the plaintiff submitted that the construction is without necessary permission and sanctioned layout. If the construction is allowed, the nature of suit property shall be changed. Moreover, it will add further complications in the partition of suit property. Hence, he prayed that the Status Quo appearing in the photographs filed on record below list of documents Exh.91 be directed to be maintained till the application Exh.5 is decided.

02. The perusal of record goes to show prima facie that the plaintiffs have got the right and title in the suit property Revision Survey No.328/1 as per the registered exchange deed Exh.3/2. The names of plaintiffs are also recorded in the 7/12 extract Exh.3/1 as holders. The application is supported by affidavit Exh.92. The perusal of recent photographs filed below list of documents Exh.91 prima-facie shows that the foundation work of permanent nature is started with bricks, stones and other construction materials. The photographs appears to have been captured on 05/05/2025 in the Morning. Hence, it is prima-facie clear that the defendant No.31 is bent upon changing

the nature of suit property without appearing before the Court. If the nature of suit property change then certainly further complications shall be created which may be hurdle in effecting the partition if the suit is decreed. Hence, for the reasons recorded hereinabove, I am of the conviction that the Status Quo appearing in the photographs below list of documents Exh.91 should be maintained till the application Exh.5 is finally heard and decided. Hence, I proceed to pass the following order;

ORDER

- A) The defendant No.31 namely Ravsaheb Shivaji Mashal is hereby ordered to maintain Status Quo prevailing as on today and demonstrated in the photographs placed on record with list of documents Exh.91 till the application Exh.5 is finally heard and decided.
- B) As the defendant No.31 has remained absent despite service of summons and the suit is proceeded ex parte against him there is no need at all to issue again the notice under Order 39 Rule 3 of the Code of Civil Procedure. Hence, the notice under Order 39 Rule 3 of the Code of Civil Procedure is dispensed with.
- C) The notice of intimation of this order along with authenticated copy of this order be served upon the defendant No.31 V Ravsaheb Shivaji Mashal for necessary compliance and obedience of this order.
- D) The communication of this order shall be effected through Special Bailiff to the defendant No.31 at the expenses of the plaintiff.

Vita
Date :-05/05/2025

(Smt. A.P Manav)
2nd jt. Civil Judge Junior Division,
Vita