

**Order below Exh. 5 In Misc. Civil Appeal No. 101/2025**  
**( Varsha L. Mohite...etc.2 Vs. Vimal S. Nalawade ...etc..14)**  
**(CNR No. MHSN170010672025)**

Ld. Advocate Shri. V. B. Kumbhar for the appellants has submitted at length. Respondent No.11 Special Recovery officer appeared through advocate Shri. P. A. Deshmukh. Ld. Advocate for respondent No.11 absent when called repeatedly. Notice report of respondent No. 10 yet to be submitted.

2. It is submitted that, respondent No.11 is going to take possession of suit properties and accordingly, issued notices to respondent Nos. 2 and 4. The plaintiffs have share in the suit properties and the suit properties are joint family properties. The plaintiffs are not party to the partition deed executed on 09/06/2017. Defendant Nos. 2 and 3 have no right to sale suit properties to defendant No. 10. Defendant No. 11 has obtained possession of the suit property illegally and initiated auction procedure and accordingly issued notice to respondent Nos. 2 and 4. Ld. Advocate has read over contents in the plaint as well as written statement, documents produced on record such as mutation entry, partition deed, 7/12 extract. If the Recovery Officer succeeds in taking possession of suit property the purpose of filing appeal become in-fructuous. It is prayed status-quo order be passed.

3. I have gone through the documents, i.e. notice dtd. 24.02.2026 issued by Mandal Adhikari, Palus to respondent Nos. 2 and 4. Ld. Advocate Smt. T. D. Rathod has not argued today. A perusal of pleading goes to show that defendant Nos. 1 to 9 are supported to the case of plaintiffs means plaintiffs in collusion with

defendant Nos. 1 to 9 filed the suit and by way of this application and submission, the appellants/plaintiffs want to pass order to stop auction procedure which is going to be conducted by respondent No.11.

4. In the order passed below Exh. 5 dated 20/03/2026, this court has considered the observation of the learned trial court and passed order. Again today Ld. Advocate for appellants has pressed to pass status quo order against respondent No. 11. I have already stated above that notice to respondent No.10 yet to be served. The appellants are seeking relief to stop auction initiated by the authorities and as per section 41 of the Specific Relief Act 1963, the law is not permitted to pass such order.

5. The appellants have not shown which steps they have taken after getting knowledge about notice of Mandal Adhikari, Palus issued to respondent Nos. 2 and 4. The appellants are duty bound to show prima facie, that they had taken steps but concerned authority has not given any response to them.

6. In the aforesaid reasons, I do not find any substance in the submission of the Ld. Advocate for the appellant to pass status quo order, hence the prayer of the Ld. Advocate to pass status quo order is rejected. Matter is adjourned and kept on **09.04.2026**.

Vita  
dt.24.03.2026

(Usha V. Indapure)  
Adhoc District Judge – 1  
Vita.