

**ORDER BELOW EXH.36**

**IN**

**R.C.S.No.5 of 2021**

**(I A No. 5/2021)**

This is first status quo application since filing new temporary injunction application along with amendment.

2] It is submitted by the application that the defendant No.1 may cause obstruction to the peaceful possession of the plaintiff. Hence, status quo in that regard may be granted. The application is strongly opposed on the count that it is premature as well as not maintainable.

3] Basically, the original Exh.5 application was filed only to restrain the defendants from creating third party interest. There was no prayer regarding the temporary injunction as to possession. Now the plaintiff has claimed amendment and same is allowed by which sale deed of defendant is claimed to be void. Hence, even said amendment is neither carried out, nor the amended copies are filed. The plaintiff during the pendency of the suit never claimed temporary injunction as to possession till today. Hence, it is necessary to ascertain the status of the property i.e. prima facie possession and prima facie maintainability of new temporary injunction application filed by the plaintiff. Hence, merely because the plaintiff has carried out the amendment, it is not desirable to pass such blanket order without ascertaining the status. Therefore, the application deserves to be rejected. So also the defendant is directed to file say to T.I. application positively and both the parties shall proceed with the matter positively. If defendants fails to proceed with the matter positively, then the plaintiff may again apply for the said prayer. Hence, in view of above said finding following order is passed.

**ORDER**

The application is rejected.

**Sd/-**

**(M.R.Jadhav)**

Civil Judge Senior Division,  
Pandharpur

Pandharpur

Date:-05.03.2021

**CERTIFICATE**

I affirm that, the contents of the this P.D.F file Order/Judgment are same word to word, as per the original order/ judgment

Name of Stenographer : B.R.Kondekar  
Court Name : Civil Court Senior Division, Pandharpur  
Date : 05-03-2021

Order/Judgment signed  
by the Presiding Officer on : 05-03-2021

Order uploaded on : 05-03-2021