

Common order below Exh. 13 & 14 in Spl.C.S. No. 47/2019

(CNR No. : MH5006-000562-2019)

I.A.No.2/2019

1. The application vide Exh.13 is grant time for defendants no.1 to 3 to file say. While the application Exh.14 is filed by plaintiff to grant status-quo against defendants no.1 and 2.

2. Perused the application and say on it. Heard learned advocates for the parties. Perused the record.

3. In the present suit it is alleged that the plaintiff is sister-in-law of defendant no.3. Defendants no.1 and 2 are children of defendant no.3. The relationship between the parties are admitted. The nature of property is stated to be joint in the plaint. The status-quo is claimed regarding huge amount of compensation paid by government to defendants no.1 to 3. Admittedly, they have received the compensation. Defendants are served and appeared on today. Hence, time should be granted them to file written statement and reply to Exh.5. But, at the same time, if amount received by defendants is expended by them, then Exh.5 itself will infructuous. In say of defendants vide Exh.14, it is not stated that whole amount has been expended by defendants and they are not at all having any amount with them. The suit is for partition and injunction. Considering the relations between parties and pleadings in the plaint, it is desirable that both the parties should maintain position as it is till next date. There is no prejudice to defendants, if they are required to maintain status-quo till next date.

4. As far as argument that some amount might be expended by defendants, from concerned bank statement it can be ascertained that how much amount is there with the defendants as on today. Hence, status of disputed property can be ascertained. Therefore, it is desirable that at least

till next date status-quo should be maintained regarding said amount which is there with defendants as on today. Therefore, following order is passed.

ORDER

1. The defendants are granted time to file say till next date.
2. Both the parties shall maintain status-quo regarding disputed compensation amount which is lying with defendants no.1 and 2 as on today till next date.
3. The short date be fixed as per convenience of both parties so as to decide temporary injunction application on merits.

Date: 09.08.2019.

(M. R. Jadhav)
Jt.Civil Judge, S.D., Pandharpur.

CERTIFICATE

I affirm that, the contents of this PDF file order are same word to word, as per the original order.

Name of Stenographer : A.K. Vibhute

*Court : Jt. Civil Judge Senior Division,
Pandharpur*

Date : 09.08.2019.

*Order signed by the : 09.08.2019.
Presiding Officer on*

Order uploaded on : 14.08.2019.