

ORDER BELOW EXH. 20 IN SPL.C.S.NO. 145/2018

(Passed On: 11.06.2019)

1] Perused the application and say. Heard both the sides at considerable length. The plaintiff has claim status-quo till final decision of exh.5.

2] It is submitted by the application that written statement is not filed and already status-quo order is passed. It is continue till 29.04.2019. Now same needs to be continued till decision exh.5.

3] The application is strongly challenged on the ground that order elapsed on 29.04.2019 as learned advocate for plaintiff has not paid the attention to continue the order. Hence, this application is infructuous. Hence, it should be rejected.

4] Before deciding the application some facts on the record needs to be considered. In the present matter status quo order so as not to alienate the suit property is passed by my learned predecessor on 17.11.2018. Thereafter same is extended on 17.12.2018, 18.01.2019, 14.02.2019, 14.03.2019. During this period defendant no.1 appeared on 14.01.2019. But the defendant no.1 did not file written statement within statutory period. Due to this count only the status-quo has been extended. On 29.04.2019 the plaintiff filed the application to extend the status-quo. Hence, it is not the default of plaintiff that he did not apply for extension. The my learned predecessor passed order of otherside to say on that application. Defendant no.1 did not file say on the same date. Say has been filed on today. Inadvertently it appears that status-quo extension order is not passed on 29.04.2019. Hence, there is no

default on the part of plaintiff. There is default on the part of defendant no.1 to file written statement till 29.04.2019 as well as default to file say vide exh.20. Hence, now the defendant no.1 cannot take advantage of said fact.

5] It is not the case of defendant no.1 that third party interest has been created till today. Hence, status of the things can be ascertained. Considering the status quo only regarding not to create third party interest, there is no prejudice to defendant no.1 if application vide exh.20 is allowed and status-quo is extended till today. While for till next date period another application is filed vide exh.21. Hence, considering the above said facts the status-quo application vide exh.20 needs to be allowed till today. Hence, following order is passed.

ORDER

1] Application vide exh. 20 is allowed to the extent that status-quo is extended till today.

Date: 11.06.2019

(M.R. Jadhav)
Jt. Civil Judge Senior Division, 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 : 11.06.2019.

*Order signed by the
Presiding Officer on : 11.06.2019.*

Order uploaded on : 13.06.2019.