Order Below Exh.08
(Passed On 09th August, 2019)

This is an application by plaintiff for maintaining status-quo in respect of suit property.

02. Perused the application and record. Heard Ld. Advocate for plaintiff. Record discloses that, suit was presented for registration on 03/08/2019. Being the application for temporary injunction filed in this suit, on 08/08/2019 the concern clerk has placed the matter before the Court for hearing of the plaintiff on Exh.05 and for first order. When it was placed before the court, inspite of repeated call, neither plaintiff nor advocate remained present. This seems to be the absence of any urgency. Hence, by passing order below Exh.05 show notices were issued to the defendants and matter was kept on 09/08/2019 as it was feeded in the CIS.

03. Today plaintiff remained absent. His Ld.advocate Shri. Vyavhare appeared and submitted that, though the matter was placed on 09/08/2019 order of issuance of notices was passed on 08/08/2019. The aforesaid scenario of placement of matter before the court for taking first order was narrated and explained to him. It was also explained to him that, in case of urgency wherein plaintiff intended ad-interim relief, after registration, for first order the matter used to place before the court. As no one present when the matter was placed before the court for first order, the necessary order was passed below Exh.01 and Exh.05.

04. Thereafter, this application was moved by the plaintiff for seeking ad-interim relief about maintaining the status-quo. Turning towards matter in hand, as per plaintiff's contention suit property are the ancestral joint family property of plaintiff and defendants. He further contended that, to avoid share of plaintiff, defendant no.4 and 5 has managed to get execute the gift deed in their name and in the name of defendant no.6. Now, for avoiding further complications and to avoid multiplicity of proceedings, he sought relief of status-quo till next date.

05. As narrated earlier, order of issuance of show cause notices was passed against defendant calling their say. Apart from this it is settled principle of law that, no one should be condemned unheard. As per Order-39 Rule-03 of CPC, no relief shall be granted against the defendants without giving him an opportunity to being heard except the delay shall not cause prejudice. For granting relief of ad-interim nature, plaintiff must show the extra ordinary urgency in the matter which will not otherwise compensate and because of such urgency he would entitled for such extra ordinary relief. In this case, the transaction which was challenged was already done. Nothing has placed on record to show any further urgency so that ad-interim relief can be granted. Therefore, this is not a fit case wherein ad-interim relief can be granted. Also, this is not a fit case wherein order of status-quo needs to be passed. Hence, application is devoid of merit and accordingly stands rejected.

06. With the consent of Ld.advocate for plaintiff, the matter is

posted on 23/08/2019.

07. As order was passed below Exh.05 about issuance of notice, plaintiff could get said notices by hand for urgent and efficient service if he desires. Accordingly, E.P. & S.B. is allowed, if prayed for.

Date : 09/08/2019

(Prasanna R. Kulkarni)
Jt. Civil Judge Junior Division
Mohol, Dist. Solapur.

CERTIFICATE

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer	:	Shaikh N. M.
Court	:	JMFC.,Mohol.
Date	:	09-08-2019
Judgment/order signed by the Presiding Officer on	:	09-08-2019
Judgment/Order uploaded on	:	13-08-2019