



MHST060005352026

ORDER PASSED BELOW EXH. 05 IN R.C.S. NO. 209 OF 2026.

Heard learned advocate for plaintiffs. Perused plaint, application and documents placed on record.

02. It is contention of plaintiffs that suit properties are ancestral joint family properties of plaintiffs and defendant nos.1 and 2 and same are not partitioned till date. It is further contended that deceased defendant no.1B mortgaged suit properties with defendant no.3 co-operative society and now defendant no.3 has initiated proceedings for attachment and auction of suit properties for recovery of loan amount. Plaintiffs claim share and interest in suit properties and contend that if auction proceedings proceed, their rights in suit properties would be seriously prejudiced. Hence, present application for status quo is filed.

03. On perusal of record, it appears that plaintiffs have produced documents showing prima-facie joint and ancestral nature of suit properties. It also appears that defendant no.3 has initiated recovery proceedings against mortgaged properties and there is apprehension of alienation and auction thereof. At this stage, rights and shares of parties are yet to be adjudicated finally. If suit properties are alienated, auctioned or third-party interest is created during pendency of suit, it may cause irreparable loss to plaintiffs and may lead to multiplicity of proceedings. Balance of convenience also lies in preserving suit properties till hearing of defendants. Hence, plaintiffs

have made out prima-facie case for grant of ad-interim protection.
Therefore, following order:-

- O R D E R -

1. All parties are directed to maintain status quo in respect of nature, possession and alienation of suit properties till next date.
2. Issue notice to defendants, returnable on 09.06.2026.
3. Plaintiffs shall comply with provisions of Order XXXIX Rule 3 of Code of Civil Procedure and file compliance report accordingly.

Date : 15.05.2026

(S.S. Gadve)
Civil Judge Jr. Division, Dahiwadi.