



**ORDER BELOW EXH.34**

1. The present application is filed by the plaintiffs for seeking status-quo restraining defendant nos. 1, 3 and 4 from alienating the suit properties.

2. Heard the learned advocate for the plaintiff and learned advocate for defendant nos. 1, 3 and 4. Perused the application and say vide Exh.40.

3. It is the contention of the plaintiffs that the present suit is filed on 06.02.2024 for partition, declaration and consequential relief of injunction. The plaintiffs had filed an application vide Exh.5 for restraining the defendants from disturbing peaceful possession of the plaintiff and from alienating or creating charge over the suit property. Thereafter, defendant nos.1, 3 and 4 have executed 3 gift deeds of suit properties bearing gat no.464/A/1, 464/A/2 & 465/B. The said gift deeds are executed on 29.02.2024. Now, the names of defendant nos.3 and 4 are entered into revenue record and they are trying to alienate suit properties. Hence, they prayed that the application be allowed.

4. On the other hand, it is the contention of the defendants that the present application is false and frivolous. The plaintiffs have failed to give any reason for granting status-quo order. There is inordinate delay for seeking status-quo as the suit is filed on

06.02.2024. The plaintiffs have no prima facie case. The principles of balance of convenience and irreparable loss are not in favour of the plaintiffs. The properties transferred by defendant no.1 in favour of defendant nos.3 and 4 are self acquired properties. The plaintiffs have failed to bring on record overt act of defendants that they are going to alienate the suit properties. Therefore, they prayed that the application be rejected.

5. Perused the record. It appears that the present suit is filed for partition, declaration and injunction. The suit is pending for hearing of Exh.05 i.e. Temporary Injunction application. Temporary Injunction sought by the plaintiffs is against all the defendants and it is with respect to causing obstruction to their peaceful possession and alienation of the suit properties. The summons and notices are yet to be served to all the defendants. After filing of the suit, defendant no.1 alienated suit properties bearing gat nos. 464/A/1, 464/A/2 & 465/B in favour of defendant nos.3 and 4 by way of executing gift deeds. The plaintiffs are having threat that the said defendants are going to alienate the suit properties. Admittedly, the gift deeds are executed after filing of the suit. Therefore, prima facie I am at opinion that the possibility of further alienation can not be ruled out. At this stage, if this status-quo order is passed then no prejudice will be caused to the defendants. However, if status-quo is not granted then there will be multiplicity of proceeding and complication in the suit. The suit is for partition and rights of both

the parties are involved in the present matter. In such circumstances, it is necessary to pass status-quo order for restraining defendant nos.1, 3 and 4 from alienating suit properties. The suit is at preliminary stage and therefore, I am not inclined to impose costs. The present application deserves to be allowed. Hence, I pass the following order.

**ORDER**

1. The application (Exh.34) stands allowed.
2. Defendant nos.1, 3 and 4 are directed to maintain status-quo with respect to suit properties till conclusion of hearing on Exh.05.
3. No order as to costs.

Place : Koregaon  
Date : 09/07/2024

( A. A. Pacharne)  
I/C 2<sup>nd</sup> Jt. CJJD, Koregaon.