

MHST160002262012 	<u>Order Below Exh.153 In</u> <u>R.C.S.No.119/2012.</u> (Sharmila Mahesh Kadam Vs.Anandrao Bajirao Sawant and ors.)
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This is an application filed by the plaintiff for status-quo regarding suit property described in para 1B of plaint.

2. Plaintiff has submitted that she has filed the suit for partition by metes and bounds of the suit property and for perpetual injunction and declaration.

3. Plaintiff further submitted that defendant nos.7,26 to 28 with intention to change the nature of suit property, illegally cutting the trees and digging the well. If defendants permanently change the nature of the suit property, irreparable loss caused to plaintiff. Plaintiff has filed this application for granting status-quo.

4. Per contra defendant nos. 7, 26 to 28 have filed their say at exh.154. They strongly objected that plaintiff has no concerned to suit property. Father of plaintiff ie. defendant no.1 is died in the year 2020. Since then name of plaintiff as heirs of defendant no.1 not recorded to 7X12th extract. Plaintiff did not file any documentary evidence regarding she is owner of suit property.

5. They further submitted that they have started the work of well in the area which is their possession. They have given advance amount of Rs.2,00,000/-. If the status-quo is granted then irreparable loss caused to them. They have prima facie case and balance of convenience.

6. Heard both learned advocates of plaintiff and defendants.

7. Learned advocate of plaintiff has argued that defendant nos.7, 26 to 28 dig the well in block no.265. The application for temporary injunction is pending. Suit for partition. By digging the well, defendants change the nature of the suit property. Hence, prayed for status-quo.

8. Per contra learned advocate of defendants has argued that the name of plaintiff is not recorded to 7X12th extract after death of her father. At exh.94/2 there is partition list produced by defendant nos.7, 26 to 28. Injunction can not be claimed only 4 to 5 members, but all parties. Hence prayed for rejection of application.

9. perused the record. Plaintiff has filed photographs of suit property having block no.165. Defendants have filed xerox copy of agreement of well, extract of block no.265 having no.8033. It is seen that this is the suit for partition by metes and bounds of the suit property and for perpetual injunction and declaration.

10. On perusal of exh.156/2 prima facie it is seen that many co-sharers possessed the suit property. The suit is for partition hence, the shares yet not be decided. Therefore prima facie they have share in it. It is seen that defendant have filed agreement for digging well at exh.156/1. Said agreement is executed on 20.02.2025. Defendant nos.7, 26 to 28 did not take permission for digging of well from court. The nature of the suit property will be changed. Therefore it would proper to give status-quo till next date. Plaintiff shall argue on exh.5 on next date without fail. Considering above discussion it would proper to give status-quo. Hence, I pass following order.

ORDER

1. Application is allowed.
2. Defendant nos.7, 26 to 28 shall maintain status-quo till next date.
3. Plaintiff shall argue on exh.5 on next date without fail.
4. Cost in cause.

Date: 06.03.2025

Place:Wai

(Smruti S. Palsule)

3rd Jt. Civil Judge Junior Division, Wai.