

MHST160002262012 	<u>Order Below Exh.161 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 this court granted status-quo below exh.153. This order is in existence till today. Therefore she prayed for to extend status-quo till next date.

4. Per contra defendant nos.7, 26 to 28 have filed their say overleaf to this application. They strongly objected that plaintiff took the status-quo order by misleading the court. This court has passed order below exh.153 that Plaintiff shall argue on exh.5 on next date without fail. But today the plaintiff avoided to argue on exh.5. If status-quo is granted irreparable loss caused to them. Hence application be rejected.

5. Heard both learned advocates of plaintiff and defendants.

6. Learned advocate of plaintiff has argued that despite the order of status-quo, defendant nos.7, 26 to 28 digging the well over suit property. Hence plaintiff filed an application below exh.159 regarding it. She has filed photographs of suit property. Hence, prayed for status-quo.

7. Per contra learned advocate of defendants has argued that the name of plaintiff is not recorded to 7X12th extract after death of her father. Defendant have filed documents at exh.163. Learned advocate of defendant has argued that there was a suit between plaintiff and defendant i.e. SCS No.257/2010. The application below exh.5 of that suit was rejected. Similarly plaintiff was plaintiff no.4 in that suit. It is also argued by him that RCS No.106/2012 is dismissed with cost. Hence the status-quo can not be granted in the suit which is already dismissed. Hence prayed for rejection of application.

8. Perused the record. It is seen that this is the suit for partition by metes and bounds of the suit property and for perpetual injunction and declaration.

9. Perused photographs. From photographs prima facie it can not be understand that these photographs are of suit property. It is taking into consideration that order below exh.5 in SCS No.257/2010 is passed on 02.02.2011. Plaintiff no.4 i.e. present plaintiff was added on 13.04.2011.

10. The suit is for partition hence, the shares yet not be decided. Therefore prima facie they have share in it. 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.
If plaintiff fails, exh.5 shall be filed.
4. Cost in cause.

Date: 15.03.2025

Place:Wai

(Smruti S. Palsule)

3rd Jt. Civil Judge Junior Division, Wai.