

**Regular Civil Appeal No. 123/2023**  
**(Kavita Dhabarde .Vs. Arun Dhabarde)**

**Order below Exh. No. 19**

1. The present application is filed by the respondent No. 1 in the main appeal who has also filed cross objection in the matter.
2. The appeal is filed challenging the judgment and decree of the Learned 2<sup>nd</sup> Jt. C.J.J.D. Wardha on 28/8/2023 in R.C.A. No. 177/2012. The respondent No. 1 in the appeal was the plaintiff before Learned Trial Court.
3. The suit before the Learned Trial Court was for declaration, partition, separate possession, mandatory injunction etc. It was the case of the plaintiff before the Learned Trial Court that the suit properties are ancestral properties of the plaintiff and defendant Nos. 1 to 5. It is the case of the plaintiff that the defendant No. 1 in the suit who is father of the plaintiff has sold the agricultural property i.e. field survey No. 132 having area of 4.61 H.R. situated at Mouja Kutki(Talodi) to the defendant No. 6 (present respondent No. 7).
4. The suit of the plaintiff has been dismissed by the Learned Trial Court. It appears from the record that the Learned Trial Court restrained defendant No. 6 from alienating the suit properties mentioned in schedule-1-A and defendant Nos. 8, 8(I), 8(II) and 8(III) from alienating the suit properties mentioned in

schedule-1B2.

5. By the application below Ex. 19 the respondent No. 1 who has also filed cross objection in the appeal prayed for direction against respondent No. 2, 6 and 7 for maintaining the status-quo in respect of the suit properties. By the pursis below Ex. 25, the respondent No. 1 restricted his application below Ex. 19 against the respondent No. 7 (Sanjay Wamanrao Kolhe) only.

6. The Learned Advocate for the respondent No. 7 Shri S.A. Joshi filed the say and strongly objected the application below Ex. 19. I have heard the Learned Counsels for the respondent No. 1 and respondent No.7. The Learned Advocate for the respondent No. 7 submitted that the application filed by the respondent No. 1 is not tenable in the eyes of law as he has not filed any application seeking temporary injunction before this Court and respondent No. 7 is ready to argue the matter finally.

7. In my opinion, the application below Ex. 19 should be heard after full hearing the parties, but as there was temporary injunction granted by the Learned Trial Court against the present respondent No. 7 also, meanwhile he should be directed to maintain status-quo in respect of the property described in Schedule-1A of the plaint till next date. Hence, following order.

### **ORDER**

1] The respondent No. 7 (Sanjay Wamanrao Kolhe) is directed

to maintain the status-quo in respect of the property described in schedule-1A of the plaint till next date.

- 2] It is clarified that status-quo is in respect of alienation by any modes.
- 3] The respondent Nos. 1 and 7 are directed to argue finally on the application below Ex. 19 on next date.

Dt.: 8-05-2024.

(J. A. Pedgaonkar)  
District Judge-4,  
Wardha.