

ORDER BELOW EXH.8
(DATED 21/01/2021)

This is an application by the plaintiff for status-quo. Suit is instituted on 19/01/2021. Today summons and notice are issued to defendant. The plaintiff has claimed that it has served copies of plaint and document to defendants by registered post. The plaintiff has filed copy of letter to defendant and postal receipts. Defendants have not appeared.

2] Heard learned advocate Shri. Tripathi for the plaintiff. He has submitted that defendants have issued notice dated 31/12/2020 for recovery of property tax. It was warned that on failure of payment of property tax, the water supply of plaintiff society will be disconnected. He has further submitted that the plaintiff society was formed in the year 2014. Defendant has claimed property tax for the year 2011. At that time developer was liable to pay property tax. However, he has failed to pay the said tax. The plaintiff has no concern with the said tax. The plaintiff for that purpose filed criminal case against the developer. The plaintiff has claimed that if water supply is disconnected the plaintiff will suffer irreparable losses. Therefore, the plaintiff has prayed for status quo till the decision of Exh.5.

3] Perused the record, affidavit of the plaintiff and documents placed on record. It is seen that tax of Rs.3,21,69,309/- and Rs.2,28,63,103/- is due as per notices dated 31/12/2020. It is seen that the plaintiff is in occupation of plots for which tax is claimed by defendant. The plaintiff is claiming that it is not liable to pay the tax. However, it is the developer who is liable to pay the tax. However, it is seen that huge amount of tax is involved in the matter. Defendants have not yet appeared. Copies were sent by plaintiff on yesterday by registered

post and by hand. It is necessary to hear the other side. Under such circumstances it will not be judicious to issue ex-parte order for status quo. Hence, application deserves to be rejected. Consequently, I pass following order :-

ORDER

The application is rejected.

Vashi, Navi Mumbai.
Date :- 21/01/2021.

(**Vikas D. Bade**)
3rd Jt.Civil Judge, Jr. Division,
Vashi, Navi Mumbai.