

ORDER BELOW Exh. No. 18

The Judgment debtor in the instant proceeding filed this application for grant of status quo in respect of the subject matter on the ground that he preferred the appeal against the order and judgment passed in RCS No. 162/2014. But, as there is delay of 940 days, the application for condonation is pending before the Appellate Court.

2} According to the Judgment debtor he is in the possession of the property in dispute and if the decree is executed, he and his family will be homeless. Therefore, in order protect their possession, the status quo is sought.

3} The Decree holder opposed the application on the ground that the judgment debtor has no locus standi to seek such relief and this application is not tenable.

4} Having heard the learned advocates for the both sides, I perused the record. Following are formulated and I record my findings thereon :

Points	Findings
1} Whether the status quo needs to be granted?	No.
2} What Order?	The application is rejected.

REASONS**As to point no. 1 and 2 :**

5} At the outset, it is pertinent to note here that the judgment

and order in RCS no. 162/2014 came to be passed on 15/10/2015 and the defendant i.e. judgment debtor are directed to remove the alleged encroachment. So also, they are restrained from causing disturbance to the peaceful possession of the plaintiff over the suit property.

6} It is pertinent to note here that, the appeal is yet to be admitted because there is delay of 940 days. In such circumstances, I would not be just and proper to pass any order because the matter is already subjudice in the Appellate Court.

7} Moreover, the permanent injunction has already been granted in favour of the decree holder therefore, if any adverse order is passed then there would be multiplicity of the law.

8} In view of the discussion notes above, I am not inclined to grant status quo in respect of the subject matter as prayed by the judgment debtor. Hence, I record my finding in negative for point no. 2 and proceed to pass the following order :

ORDER

The application stands rejected.

Khed -Rajgurunagar.
Dt. 30/11/2018

(S. C. Taide)
2nd Jt. Civil Judge Sr. Div.,
Khed-Rajgurunagar.

C E R T I F I C A T E

“ I affirms that the contents of this P.D.F. file order are same word for word as per original order.”

Name of Steno	:	A. S. Shivapurkar – Grade-II
Court Name	:	Shri. S.C. Taide 2 nd Jt. Civil Judge Sr. Division Rajgurunagar- Khed.
Date	:	30/11/2018
Order signed by presiding officer on	:	30/11/2018
Order uploaded on	:	30/11/2018

(S.C. Taide)
2nd Jt.C.J.S.D.Khed.