

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (ST.) NO. 32136 OF 2017
WITH
CIVIL APPLICATION (ST.) NO. 32139 OF 2017**

Shivram Bama Khandagale & Anr.	...	Appellants
V/s.		
Sulochana Mohan Kalyankar	...	Respondent

- Mr.Amol P. Mhatre for the Appellants.
- Mr.Prasad B. Kulkarni for the Respondent.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 4th SEPTEMBER, 2018.

P.C. :

1] Heard learned counsel for the Appellants and learned counsel for the Respondent.

2] By this Appeal, the Appellants are challenging the order dated 24th January, 2017, passed by the Civil Judge, Senior Division, Panvel. The impugned order reads as follows :

“In view of joint submission of parties through Advocate V.T. Kulkarni and Advocate Mahadik, interim relief of status-quo shall stand extended till final disposal of the suit. Order Exh.5.”

3] The grievance of learned counsel for the Appellants is that the application at Exhibit-21 was filed before the trial Court for extending of the order of status-quo only till the next date. The trial

Court has however extended the order of status-quo till final disposal of the suit. According to him, no such joint submission was made by learned counsel for both the parties as reflected in the impugned order of the trial Court for extending the order of status-quo till decision of the suit and the said submission is wrongly recorded by the trial Court.

4] In my considered opinion, this grievance advanced by learned counsel for the Appellants cannot be entertained or accepted. When any such submission is recorded in the order of the Court, it has got some legal sanctity, especially when the Court has in good faith relying upon the oral submissions made by learned counsel for both the parties has passed the order. If such submissions which are made now by learned counsel for the Appellants are allowed to be advanced, the very sanctity of the judicial record and order will be in question and this Court cannot permit it to be so.

5] Therefore, the Appeal holds no merit and hence, stands dismissed.

6] In view of dismissal of the Appeal, nothing survives in the Civil Application, hence it stands disposed off.

[DR.SHALINI PHANSALKAR-JOSHI, J.]