

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13112 OF 2022

Muktabai Ramchandra Kute
(Since Deceased) through her legal heirs -
Bajirao Ramchandra Kute and Ors. .. Petitioners

Versus

Narayan Bhausahab Kute
(Since Deceased) Through his legal heirs -
Shalan Narayan Kute and Ors. .. Respondents

-
• Mr. Bharat Gadhavi a.w. Mr. Pratik Sabrad for Petitioners

.....
CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 13, 2023

P.C.:

- 1.** Heard Mr. Gadhavi, learned Advocate for Petitioners.
- 2.** Perused the impugned order passed below Exh.376 in Special Civil Suit No.1414 of 2017. The impugned order came to be passed on the strong objection raised by Defendant Nos.29, 30, 33, 40, 43, 46, 47, 48, 50 to 53, 58, 72 to 74 and 80 to 82 for continuation / extension of *status quo* order passed by this Court vide order dated 07.04.2022 in Interim Application No.847 of 2022 in Appeal from Order (S.T.) No.2949 of 2022. I need not detain myself from reading the order dated 07.04.2022. Paragraph No.8 of the said order is clear and forms the subject matter of the impugned order before me. Paragraph No.8 is quoted in the impugned order.

- 3.** Admittedly, extension was granted pursuant to the above order

on the Application filed by the Plaintiffs i.e. Petitioners before me on 17.06.2022. Admittedly, one extension was granted on the above order dated 02.05.2022. Thereafter Petitioner filed Application for seeking extension of the *status quo* order. I have perused the Application dated 17.06.2022 which infact does not give any reason for seeking extension. All that is gathered from the said Application is the history of the matter before this Court in the Appeal from Order proceedings and nothing more. The order dated 07.04.2022 passed in the aforementioned Interim Application in Appeal from Order proceedings is clear and unambiguous. In that view of the matter, the Application dated 17.06.2022, though not tenable is completely vague, insufficient and lacks merits.

4. Today, after a hiatus of eight months Mr. Gadhavi has urged this Court to pass / continue and extend the order of *status quo*. The learned Trial Court in paragraph Nos.4, 5 and 6 of the order have given cogent and reasoned findings for rejection of the Application filed below Exh.376. Record indicates that the Petitioners i.e. Plaintiffs sought extension on atleast 24 occasions prior to the order passed below Exh.144 on 05.03.2019, which has been infact noted by the High Court in its order dated 07.04.2022. On being asked the reason for seeking extension, on that Mr. Gadhavi would submit that some of the Defendants have not been served. This cannot be

acceptable and it is for the Plaintiffs i.e. Petitioners to put their house in order.

5. I do not find any reason to interfere with the findings returned by the learned Trial Court in paragraph Nos.4, 5 and 6 of the impugned order. The order is therefore sustained.

6. Mr. Gadhavi would submit that some directions be issued by this Court to decide the pending Application before the learned Trial Court within a time bound programme. Considering the conduct of the Petitioners, the request made by Advocate Mr. Gadhavi is rejected.

7. With the above directions, Writ Petition is dismissed.

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2023.02.17
11:04:39 +0530