



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12506 OF 2024

Dilip Fakkad Javane
VERSUS
Digambar Venkat Zambare And Others

Mr. A. S. More, Advocate for Petitioner
Mr. S. R. Zambare, Advocate for Respondent No. 1

CORAM : R. M. JOSHI, J.

DATE : 16th April, 2025

PER COURT :-

1. Heard learned counsel for both sides.
2. Issue involved in this petition is as to whether the learned Trial Court was justified in granting order of status quo against Defendant Nos. 1 to 4 by passing order on Exhibit 17 when there is no pleading in the plaint or prayer therein against other defendants except Defendant No. 1
3. Learned counsel for contesting respondent has drawn attention of the Court to the fact that plaintiff has already filed Application Exhibit 24 under Order VI Rule 17 for amendment to the plaint and same is pending for decision before the Trial Court. It is his further submission that the Trial Court has passed impugned order directing the parties to maintain status quo by considering the urgency made out by the plaintiff. It is his submission that

immediately thereafter application for amendment to the plaint came to be filed and the Trial Court be directed to decide the same expeditiously.

4. Learned counsel for petitioner raises objection to the impugned order on the ground that there is no pleading in the plaint nor a prayer made against defendants except Defendant No. 1.

5. Record indicates that though the order impugned came to be passed without there being pleadings in the plaint or prayer therein, however, plaintiff has already filed application under Order VI Rule 17 for amendment to the plaint. This application has been responded/replied by the defendants. In such circumstances, it would be in the interest of justice that the Trial Court is directed to decide Application Exhibit 24 expeditiously.

6. Hence, Trial Court to decide Application Exhibit 24 within a period of 3 months from today. It is clarified that this Court has not expressed any opinion in respect of the correctness or otherwise of the impugned order.

8. Needless to say that after passing appropriate order on Exhibit 24, Trial Court to decide Application Exhibit 5 expeditiously.

(R. M. JOSHI, J.)

bsj