



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

WRIT PETITION NO. 4697 OF 2024

Sunanda Shivaji Shinde
VERSUS
Kashinath Baburao Borude Died And Others

Mr.A.S.Shejwal, Advocate for petitioner
Mr.P.R.Nangare, Advocate for respondent nos.2, 4, 7 and 8
Mr.N.B.Narwade, Advocate for respondent nos.3 and 6

CORAM : AJIT B. KADETHANKAR, J.
DATE : APRIL 02, 2026

PER COURT :-

Regular Civil Suit No.549 of 2021 came to be filed by the present petitioner for partition and separate possession and injunction. During pendency of the suit, the petitioner filed an application below Exh.45 seeking *status quo* to all the parties in respect of the suit property. Vide order dated 20.12.2022, the learned 16th Jt. Civil Judge, Senior Division, Ahmednagar, allowed the application and directed all the parties to maintain *status quo* in respect of the suit property till the next date.

2. It appears that thereafter, the petitioner again filed application below Exh.70 seeking continuation of *status quo* passed on application below Exh.45. Vide order dated 17.02.2023, learned 14th Jt.

Civil Judge, Senior Division, Ahmednagar, pleased to reject the said application. The learned Judge observed that the plaintiff did not provide any document to show that alienation of the property was apprehended. It is further recorded that the plaintiff has not produced any *prima facie* evidence in respect of any alienation. Surprisingly, learned Judge has observed in the same order "*defendant no.1 during pendency of the present suit with ill-intention has transferred the suit properties in the name of the defendant nos.6 to 8*". Thus, the reasons recorded by the learned Judge of the trial court appear to be misconceived. True, that the application below Exh.45 was already rejected vide order dated 17.02.2023. However, the learned trial court was under obligation to go by the spirit of the subsequent application. At one juncture in the said order, it is observed that during pendency of the suit, the properties are transferred in the name of defendant nos.6 to 8, it is surprising as to what more needed for learned trial court to pass an appropriate order on the said application.

3. This Court vide order dated 06.05.2024, while issuing notice to the parties ordered that *status quo* granted by the trial court on the application below Exh.45 shall stand continued till next date. Said interim relief is in force today.

4. In view of the above, the Writ Petition is disposed of with a direction to the parties to the suit to maintain the status-quo as regards the suit properties during pendency of the suit, meaning thereby the defendants shall not create any third party interest and shall even not transfer any of the suit properties even among themselves. The trial court shall make every endeavor to conclude the suit proceedings with a period of twelve months from today. The parties shall co-operate with the trial court for conclusion of the trial within the stipulated period.

[AJIT B. KADETHANKAR, J.]

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