



सत्यमेव जयते

ORIGINAL DECREE
IN THE COURT OF 15th ADDITIONAL SENIOR CIVIL JUDGE AT SURAT

SPCS NO:- 146 of 2015

EXHIBIT:- 62

PLAINTIFF:

1. Jignesh Ranjitbhai Badami
Aged 30 years, Profession: Business,
Residing at 2/3426, Malekwadi, Navsari Bazar,
Sagrampura, Surat.

DEFENDANT(S):

1. Rashmikaben Bharatbhai Soni
Aged 50 years, profession: Housewife,
Residing at Flat 407, Simdhar Complex, Near Hindu
Milan Temple, Ane Besant Road,
Gopipura, Surat.

**Re:- SUIT FOR SPECIFIC PERFORMANCE, DECLARATION
AND PERMANENT INJUNCTION.**

APPEARANCE:

Ld. Advocate Mr. J. N. Rana for plaintiff.

Ld. Advocate Mr. J. A. Vankawala for defendant(s).

Received on: 13/03/2015

Decided on : 01/07/2019

The Plaintiff, therefore prays that :-

1. PLAINT:- It is the submission of the plaintiff that the plaintiff and Late Mr. B. R. Soni (deceased husband of defendant no. 1) had entered into an agreement to sell Flat 407, Simdhar Complex, Near Hindu Milan Temple, Ane Besant Road, Gopipura, Surat ad-measuring 1073.31 sq.ft. (hereinafter as '**Suit Property**') on 31/01/2014 which was registered in the books of Notary Advocate on 07/02/2014. It is submitted by the plaintiff that the said agreement was executed and notarized on 07/02/2014 in which the plaintiff and defendant agreed to sell the suit property for consideration of Rs.20,00,000/- (Twenty Lakh only). Moreover, token amount of Rs.11,000/- (Eleven thousand only) was paid by the plaintiff on 30/01/2014 and amount of Rs.10,89,000/- (Ten Lakh Eighty-nine Thousand only) was paid to the deceased Mr. B. R. Soni on 31/01/2014 when the agreement was entered into. It is submitted by the plaintiff that the remaining amount was to be paid within one year from the transaction. It is also contended by the plaintiff that in between the husband of defendant number 1 died and thus several times, he had shown his readiness and willingness for registered sale-deed to defendant number 1 to which the defendants denied. Therefore, he has prayed for the specific performance of the agreement for sell between him and deceased husband of defendant no. 1.through the present suit. He had also prayed for declaration and had prayed for alternative relief of money which was allegedly paid

by him interest of 24% per annum.

2. Defendants were duly served with the notice and they had appeared through pleader and had filed their written statement vide Exhibit 12 wherein they had negated the contentions of plaintiff. They have submitted before this Court that the plaintiff had forged the signature of deceased husband of defendant No. 1 and had executed a bogus document. It is further submitted that no amount of consideration as mentioned by the plaintiff was received by deceased husband of defendant No. 1 and therefore the defendants have prayed for rejection of the plaint.

3. This Special Civil Suit having come for final disposal on July 01, 2019 before the Hon'ble 15th Additional Senior Civil Judge, Surat. In the presence of Learned Advocate for the plaintiff, the Hon'ble Court had passed following order:

:::ORDER:::

- The suit of the plaintiff is hereby allowed partially.
- The plaintiff is hereby directed to pay Rs.9,00,000/- (Nine Lakh only) to the defendants as payment **or** to deposit the said amount in this court followed by RPAD to defendants intimating the same within 30 days from this order as per Order 20 Rule 12 of the Civil Procedure Code.
- The defendants are hereby directed to execute Registered sale-deed of suit property in the name of plaintiff within 30 days from accepting remaining amount **or** within 30 days of intimation

through RPAD, as the case may be.

- The defendants are hereby directed to handover the possession of suit property to the plaintiff at plaintiffs' cost accordingly.
- Plaintiff to bear his own cost for the suit.
- Decree be drawn accordingly.

COST OF THE SUIT

	Plaintiff	Rs.	A	P.	Defendants'	Rs.	A.	P.
			.					
1	Stamp for Plaint	36000.00			Stamp for Power	0.00		
2	Stamp for power				Stamp for petition	0.00		
3	Stamp for Exhibits	100.00			Pleader's fee	100.00		
4	Pleader's fee on Rs.	16625.00			Subsistence for Witnesses	0.00		
5	Subsistence for witnesses	0.00			Service of Process	0.00		
6	Commissioner's fee	0.00			Commissioner's fee	0.00		
7	Service of Process	7.00						
	Total	52732.00			Total	100.00		

Prepared by:-

Compared by:-

Assistant.
(M J Raba)

Superintendent
(C B Darji)

Plaintiff Advocate :- Mr. J N Rana
Defendants' :- Mr. J A Wankawala

Given under my hand and seal of the Court on this 01/07/2019.

(Romit Anilkumar Agrawal)
15th Add. Senior Civil Judge
Surat
GJ00933

Date: 01/07/2019
Place: Surat

NOTE:- Parties to take their important original documents in time otherwise they will be destroyed as per Civil Manual Rules.