

ORDER ON MAINTAINABILITY

The Present petition is filed to execute the judgment and decree passed in O.S. No. 89/2015 on 12-01-2022. The said suit is filed for Specific Performance of contract. When the Present Petition is filed the office objections was raised, stating that no order was passed in O.S. No. 89/2015 to deposit the balance sale consideration o Rs. 10,000/-. Hence the matter was posted to pass an order on office note. Heard the Counsel for Decree holder and perused the material on record. This Court is of the opinion, that even though the Court has not specifically ordered to deposit the balance sale consideration, it is the bounded duty of the Decree holder to pay the balance sale consideration when the decree is passed in his favour. Further it is the duty of the Plaintiff to perform his part of the contract. On considering the aforesaid reasons, the Decree holder is directed to pay the Balance sale consideration of Rs. 10,000/- on before 01-03-2023. Further, the present petition will be put-up before the Court, only if the Decree holder deposit the balance sale consideration, if not the Petition stands to be dismissed automatically.

II Addl. Civil Judge & JMFC,
Magadi.