

**Order below Exh.5 in Spl. Darkhast No.01/2023**

(C.N.R. No. MHAH05-000027-2023)

Read the application and say of D.H. thereon. Heard both sides. Perused record and more particularly the decree passed in Spl. C. S. No.03/2015. It appears that, by virtue of decree in question, the D.H. was directed to deposit remaining amount of consideration of Rs.50,000/-, within a period of one month from the date of order i.e. 21.11.2022. As such, it was obligatory on the part of D.H. to deposit the amount on or before 21.12.2022. However, as per his contention, as the Court was on vacation from 23.12.2022 to 01.01.2023 and as his father was suffering from illness, he could not arrange and deposit said amount. Accordingly, he prayed for permission to deposit the amount as per the decree.

2. The J.Ds. have merely contended that, the Court is bound by its final order and can not travel beyond it.

3. However, at this juncture, the provisions of Section 148 of the Code of Civil Procedure, states that, where any period is fixed or granted by the Court for doing any act prescribed or allowed by this Code, the Court may in its discretion, from time to time enlarge such period not exceeding 30 days in total, even though, the period originally fixed or granted may have expired.

4. In view of this provisions, it appears that, the original

fixed period for depositing the amount was up to 21.12.2022. Accordingly, in view of this provision, this original period fixed can be enlarge up to 30 days. It is also significant to note that, this application is filed on 04.01.2023, which categorically shows that, it is filed within a period of 30 days from the date of expiry of original period. In such circumstances, the permission as sought by the D.H. can very well be granted by enlarging the time granted. Hence, the application is hereby allowed and the D.H. is permitted to deposit the remaining amount of consideration of Rs.50,000/- forthwith.

Date : 22.02.2023

**(D.P. Kasat)
Civil Judge, Senior Division
Shrirampur.**

CERTIFICATE

I affirm that, the contents of this PDF file order are same word to word, as per the original.

Name of the Court : Civil Court, Senior Division,
Shrirampur, Dist.Ahmednagar.

Name of Stenographer : Ajinath A. Padalkar.

Date of Order : 22.02.2023.