

ORDER BELOW EXH. 13 IN SPECIAL DARKHAST NO. 09/2016
(CNR : MHAH23-000518-2016)

1. Perused the application and decree in Spl.C.S. No. 31/2015. The suit was for specific performance of the contract which was decreed by my learned predecessor. It was also ordered to the defendant to take permission from the appropriate authority and execute the sale deed in favour of the plaintiff. After service of notice of present Darkhast defendant failed to appear. Record also discloses that suit was also proceeded ex parte. Therefore, it clearly discloses that the defendant in the said suit is avoiding to obey the decree. In such circumstances, in view of the Order 21 Rule 35 Sub Rule 5 it is a fit case to appoint Court Commissioner to bring the permission from the competent authority for execution of the sale deed. Accordingly, application deserves to be allowed and following order is passed.

Order

1. The application Exh. 13 is hereby allowed.
2. The learned Advocate Shri. D.K. Tarde is hereby appointed as Court Commissioner to prefer requisite application and obtained the permission from competent authority for the purpose of execution of sale deed.
3. The Decree Holder to pay court commission fee of Rs. 10,000/- within 7 days.
4. Issue Court Commission Writ accordingly.

Dictated and pronounced in the open court.

Shrigonda.
Date : 13/04/2018.

(K. M. Kayangude)
Civil Judge Senior Division,
Shrigonda.