

RCA No.2/2018

Simran Sanjay Sharma

V.

Namdeo Kisan Pahurkar & others

CNR- MHBU04-000063-2018

&

RCA No.3/2018

Simran Sanjay Sharma

V.

Pradeep Shamrao Pahurkar & others

CNR- MHBU04-000064-2018

Common Order Below Exh.5 in RCA No.2/2018 & 3/2018

(Passed on 24.1.2018)

1. These are the applications moved by the appellant under Order 41, Rule 5, R/w Sec. 151 of the Code of Civil Procedure, for staying the execution and operation of the common decree passed by the learned Civil Judge Junior Division, Shegaon, on 14.12.2017 in Reg.Civil Suit No.26/2004 & 27/2004 whereby the defendant No.1 (respondent No.6 herein) is directed to deliver the possession of his share (in the suit property) to the plaintiff within three months, on depositing the consideration amount as per the market value of the suit property by the plaintiff.

2. Heard Mr. P.R. Joshi, the learned counsel for the appellants. According to him, the appellant being a purchaser of the suit property is in cultivating possession thereof and the defendant No.1 has no interest in the said property. He in the circumstances would seek for exparte stay to the execution of the impugned decree. He would further make it clear that the appellant is ready to give proper security for the due performance of the decree or order as may ultimately be binding upon the appellant.

3. Considering the nature of the impugned decree which is challenged in the present appeal, the contentions made in the application, and submission

of Mr. Joshi, etc., I find that pending the hearing of the present applications the execution of the impugned decree needs to be stayed subject to appellant's depositing a sum of Rs.2000/- as security for the due performance of the said decree. Hence, I proceed to pass following order :-

ORDER

1. Pending the hearing of the application (Exh.5), the execution of the impugned decree passed by the learned Civil Judge, Junior Division, Shegaon, on 14.12.2017 in Reg.Civil Suit No.26/2004 & 27/2004 shall stand stayed subject to appellant's depositing a sum of Rs.2000/- each in the present appeals as a security for due performance of the said decree.
2. Issue notice to the respondents to show cause why this ex parte stay shall not be confirmed till the disposal of these appeals.

Sd/-

(V.M.Pathade)

Ad hoc District Judge-1, Khamgaon,
Dist. Buldana.

Dt.24/1/2018

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.
Name of Court : Ad hoc District Judge – 1, Khamgaon, Dist. Buldana.
Ready on : 24.1.2018
Upload date : 25.1.2018