



Reg. Darkhast No.30/2024

Hari Waman Ushir and Ors. Vs. State & Ors.

C.N.R.No.MHJG22-000395-2024.

ORDER BELOW EXH.09.

Read the application and report of Asstt.Suptd., calculation report submitted by the Asstt. Suptd.(Exh.14) and Writ clerk report(Exh.10). The learned D.G.P filed his say(Exh.11) and submitted that, there is no stay and appeal.

2. Heard learned advocate for the decree holder who made submission as per the darkhast.

3. Perused the application of decree holder and entire record of the *darkhast*. It is filed for recovery of Rs.1,99,739/-. The decree holder demanded Rs.2,03,112/- vide this application. The calculation report (Exh.14) shows the amount of Rs.2,03,576/- due against the judgment debtors. However, the report of Asstt. Suptd. discloses that, the amount of Rs.2,03,112/- was kept in F.D.R.

4. Additionally to avoid double payment, excess payment and future complications, the report by verifying C.I.S. system in respect of present L.A.R. at Jalgaon and Chalisgaon is also placed on record below Exh.17.

5. The report(Exh.10) of the writ clerk in the Court of the respected C.J.S.D., Jalgaon shows that, there is no appeal and there is no entry in respect of stay to the proceeding hence no stay appears from record as on today. The report given by the Sr. Clerk of this establishment also shows that, there is no appeal and there is no entry in respect of stay to the proceeding.

6. In view of these circumstances, since the amount is deposited by judgment debtors, the decree holder is entitled to receive Rs.2,03,112/-

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by revoking fixed deposit as there is no stay to the execution of decree. In the result, I pass following order :-

ORDER

1.	The application(Exh.09) is allowed.
2.	The amount of Rs.2,03,112/- (Rupees Two Lakh Three Thousand One Hundred and Twelve only) by revoking F. D. along-with interest be paid to the decree holder on furnishing bond of the like amount and undertaking, affixing passport size photograph on it, for the payment of income-tax deduction, if any and for redepositing the amount as and when required/directed by the Court. The identity and verification of decree holder be conducted as per rules.

Date :- 21.07.2026.

(Shri. D. S. Jadhav)
Civil Judge Sr. Division, Chalisgaon.