

ORDER BELOW EXH.13 IN Spl. DARKHAST No. 296 of 2017

(Passed on dated 14.03.2019.)

1. The Decree holders have collectively filed this application so as to allow D.H. No. 2-A namely Alka Devidas Paithane to withdraw the decretal amount on behalf of D.H. No. 2-C, 2-D and 2-E, who are minors. They have submitted that the D.H. Nos. 2-C to 2-E are minors and D.H.No.2-A is their natural mother. With this application D.H. No2-A Alka also filed affidavit cum undertaking stating that decretal amount to the extent of share of D.H.No. 2-C to 2-E, would be spend only for the purpose of education, clothing, medical expenses and other day to day expenses of the minor decree holders. She would not squander the decretal amount of the minors in any way except their essential necessities.

2. On this application Judgment debtors were called upon to file their say. However, despite sufficient opportunity they did not filed say on this application. Hence, the application is proceeded without their say.

3. Read application, perused record and heard learned advocate for the D.H. On perusal of record it evinced that, D.H. Nos. 2-C to 2-E are minors and the D.H. 2-A namely Alka is their natural mother as alleged in the execution application as well as present application. The other decree holders have also jointly filed this application. So it can be seen that they have no objection to allow D.H. No. 2-A to receive the decretal amount

of the share of minor decree holders i.e. D.H.Nos. 2-C to 2-E. Moreover, the Judgment debtors have also not raised any objection to oppose this application. Therefore, considering the application and prayer of decree holders it appears necessary to grant permission to decree holder No. 2-A namely Alka Devidas Paithane to receive the decretal amount on behalf of decree holder Nos. 2-C to 2-E namely Deepali Devidas Paithane, Komal Devidas paithane and Samadhan Devidas Paithane, being their natural mother. Hence, I proceed to pass the following orders:

ORDER

1. The application is allowed it terms of prayer clause.
2. Permission is granted to D.H. No. 2-A to receive/withdraw the decretal amount on behalf of D.H. Nos. 2-C to 2-E to the extent of their share only.
3. D.H.No.2-A is further directed to utilize the decretal amount of the share of the minors shall be used only for the purpose of their essential necessities i.e for education, medical, clothing and other day to day essential requirement purpose.

Sd/-
(S.T.Chikane)
6th Jt. Civil Judge Sr. Division,
Jalna.

Date : 14/03/2019

C E R T I F I C A T E

I affirm that, this PDF file is word to word as per original Order/Judgment.

Name of Stenographer :S.M. Sapkal,
Name of Court :6th Jt.Civil Court,(S.D.) Jalna,
Date of PDF :15/03/2019.

Sd/-
(S.M.Sapkal)
Stenographer (L.G.)