

R.D. No. 23/2012
CNR MHNS130012072012

Order Below Exh. 49

This is the execution proceeding to execute the sale-deed on the basis of decree of specific performance passed in RCS No. 14/1997. The instant application is filed by decree holder to allow an accept the draft of sale-deed.

2. The judgment debtors have resisted the application and would submit that the sale deed can be executed by the competent authority as the suit land is governed by the Bombay Tenancy and Agricultural Land's Act. It is further submitted that in the other rights column of 7/12 extract of the suit property protected tenant's name is there and suit property is in possession of protected tenant. Hence, the judgment debtor have objected to register the sale deed.

3. Considered submissions. Perused the record. On perusal of 7/12 extract of the suit property it reveals that in the other rights column there is entry which states that the land is acquired for rehabilitation and there is prohibition to transfer the same. However, my learned predecessor in her judgment in R.C.S. No. 14/19997 held that, " from the certified copy of declaration filed by plaintiffs at Exh.26 now there is no ban of transaction of transfer of suit property for village Mukhed. Therefore, now there is no necessity to seek required permission for

execution of sale deed.” Therefore, in these circumstances it is necessary to clarify that latest position of the suit property regarding the acquisition for rehabilitation and prohibition on the transfer of same by the Government. Therefore, it would be appropriate and proper to pass the following order.

O R D E R

1. The decree holder shall submit the necessary record from the office of Deputy Collector, Rehabilitation(उपजिल्हाधिकारी, पुर्नवसन) to clarify whether there is prohibition to transfer the suit property in view of previous acquisition by the Government.
2. The decree holder shall file the latest copy of 7/12 extract of the suit property.
3. Both parties and their learned advocates shall take note of this order.

Date: 12.06.2024

(Prasad Dipak Kolekar)
Civil Judge Junior Division
Pimpalgaon(B.)