

Common order below Exh. 64 and 65

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1. Execution proceeding is pending for execution of decree of possession passed by the Co-Operative Court, Nashik in case no. 258/2005. Present application is filed by objectionist Jayashree Ramdas Kale. She claims that judgment-debtor has rented out suit-property to her by virtue of registered agreement dtd. 29/07/1991. Duration of the said agreement is till 28/02/2020. The said agreement is not yet canceled by any competent Court. She is in possession of the suit-property. She is entitled to lead evidence on this count.

2. Decree-holder's say is vide Exh.70 and 71. Application is opposed. It is claimed that suit property is now in possession of judgment-debtor since it has been seized from one Dipak Pandurang Raut for non-compliance of the terms of agreement. Objectionist has no concern with the suit-property. So, applications are liable to be rejected.

3. Judgment-debtor has filed say vide Exh.72. It is stated that as per record, objectionist appears to have concern with the suit-property. So, issues are required to be framed for giving opportunity to the parties to lead evidence.

4. Heard respective counsels. Perused record.

5. The objectionist has filed her agreement with judgment debtor. Duration of the said agreement appears to be upto 28/02/2020. Decree-holder has filed seizure order dtd. 27/10/2007. Its perusal reveals that plot no.36, area 625 Square Meter is seized from one Deepak Raut by judgment-debtor. Due to these both documents, it is necessary to have further evidence on record so that some concrete finding can be arrived at. The dispute cannot be decided without giving opportunity to all parties to lead evidence. So, applications are disposed by following order.

- ORDER -

a) Issues are framed as follows.

1. Whether objectionist Jayashree Ramdas Kale is in lawful possession of the suit-property ?

2. What order ?

b) All parties shall have opportunity to lead evidence on above issue.

Yeola, Dist.Nashik,
Date : 29/01/2016

(Sau. A.R. Rahane)
Civil Judge, J.D., Yeola.