



MHNS190010502010

Reg. Darkhast No.39/2010

Rekha Dnyeshawar Gadekar

Vs.

Rameshchandra Patel and others..

Order below Exh.79

1. The present application has been filed by objectionist to grant permission to deposit the rent of suit properties in Court. Heard Id. adv. Shri. Chavan for objectionist at length. He submitted that this Court framed issues vide common order below Exh.64 and 65 that 'Whether objectionist Jayashri Kale is in lawful possession of the suit property". Thereafter, objectionist filed her affidavit in chief vide Exh.73. Thereafter, matter is posted for cross-examination. He further submitted that the Predecessor of this Court vide order dtd. 08/11/2016 directed Asstt.Suptd. to accept the rent however, the matter was posted for say of decree-holder. Thereafter, on 20/12/2016, decree-holder filed his say vide Exh.83. He further submitted that if, objectionist is allowed to deposit the rent amount in Court, it would not be cause any hardship to the decree-holder or judgment-debtor. The rights and liabilities of the parties will be decided after evidence of both parties. Hence, prayed for allow the application.

2. Heard Id. adv. Shri. Deshmukh for decree-holder at length. He submitted that suit property is in possession of decree-holder therefore, objectionist do not have any concern with suit-property. If, application of objectionist allowed, it will cause injustice to the decree-holder therefore, prayed that application may kindly be rejected.

3. Heard Id. adv. Shri. Aher for judgment-debtor at length. He submitted that objectionist not deposited the rent as per the

agreement executed between objectionist and judgment-debtor. Therefore, now, objectionist cannot deposit rent amount in Court. He further submitted that objectionist not fulfil the terms and conditions of agreement hence, prayed for rejection of application.

4. I perused the record very carefully. Perused the say filed by decree-holder and judgment-debtor. It appears that decree-holder filed present darkhast against judgment-debtor for possession of plot from Audyogit Sahakari Vasahat, Yeola. Thereafter, objectionist namely Jayashri Kale appeared in darkhast and raised her objection by Exh.64 and 65. Thereafter, my Id. Predecessor considering the factual position on record framed issues vide common order below Exh.64 and 65 on 29/01/2016. The matter is posted for evidence on said issues. By virtue of this application, objectionist want to deposit the rent of suit property in the Court. It is needless to say that the rights and liabilities of all the parties will be decided after evidence of parties. At this juncture, mere depositing the rent in Court cannot be create any rights or liabilities. Hence, I do not find any substance in the argument advanced by Id. adv. for decree-holder and judgment-debtor. Therefore, considering the factual position on record, if application of objectionist is allowed, it will not cause any hardship or injustice to decree-holder. Hence, I pass following order.

ORDER

1. Application is allowed.
2. Asstt. Supdt. is directed to accept ₹ 57,600/- (₹ Fifty Seven Thousand Six Hundred) only towards rent.

[N.N. Chintamani]

Date : 25/09/2019

Civil Judge, J.D. Yeola (Nashik).