

R.D.No. 29/1997
Anubai/Kalyan

Order Below Exh.177

1. Application is moved by D.H. for permission to deposit consideration amount as per the order passed below Exh.50. To this application J.D. filed their say below Exh.183 and strongly objected the application of D.H.

2. By way of this application D.H. submitted that as per order passed below Exh.50 the amount of Rs.20,500/- as per valuation of suit property may kindly be accepted. The valuation certificate produced by D.H. below Exh.179/1.

3. J.D.objected the application on the ground of consideration amount. Contention made in the application by D.H. are false and frivolous. Application is not tenable in the eyes of law. Therefore, consideration amount Rs.20,500/- can not be accepted. Application may kindly be rejected.

4. I have heard learned advocates for respective parties at considerable length.

5. I have gone through the record of case and argument advanced by the learned advocate by respective parties. It appeared that order below Exh.50 passed that higher amount which is consideration for the satisfaction of decree as per agreement or valuation certificate. The valuation certificate produced by the D.H. below Exh.179/1 the valuation amount appeared to be lower and amount as per agreement Exh.49/1 is higher. The consideration amount require to be deposited as per order Exh.50. The valuation of

suit property and agreement Exh.49/1 seen. Here, harm will be caused to J.D. if amount as per valuation certificate is directed to deposit. Therefore, decree holder to deposit consideration amount as per agreement Exh.49/1 Rs.1,00,000/-. Hence, I proceed to pass following order-

O R D E R

Decree holder to deposit consideration amount of Rs.1,00,000/-(Rs.One Lakh only) which is higher as per order passed below Exh.50.

Date : 20.11.2019

Sd/-
(K. K. Khomane)
Jt.Civil Judge,J.D. Bhoom.