



**IN THE COURT OF CIVIL JUDGE JUNIOR DIVISION,
AT MALVAN, DISTRICT-SINDHUDURG**

Ulhas alias Vilas Narayan Dandkar

**Applicant/
Obstructionist**

VERSUS

Arvind Gopal Parkar
Through Legal Representatives

**Opponent/
Decree Holders**

ORDER BELOW I.A.No. 3/2022 (EXHIBIT 79) IN R.D.NO.4/2009
(Passed on 31/01/2022)

The present application is moved by the obstructionist under Order XXI Rule 97 of the Code of Civil Procedure (hereinafter for short 'the CPC').

[2] Heard the learned advocates for the both sides. The obstructionist had moved an application under Order XXI Rule 97 of the CPC at Exhibit 36. The said application was rejected on 13/09/2019. The obstructionist approached the Hon'ble High Court against the said order by filing writ petition No.12664/2019. A copy of order in the said writ petition is at Exhibit 82. On perusal of the said order it appears that the obstructionist had placed before the Hon'ble High Court documents in the form of lease agreement dated 26/04/1930 and a rent receipt dated 28/12/1953 as well as two original letters of the year 1993. The Hon'ble High Court observed in para No.4 of the order that obstructionist should place the aforesaid documents before this Court by taking out an appropriate application with an appropriate opportunity being afforded to the decree holder

to contest the contents of the said documents and even its consideration. The Hon'ble High Court has also directed this Court to consider the effect of said documents subject to the objections being raised by the decree holder.

[3] The obstructionist has filed on record the said documents with list at Exhibit 81. Considering the nature of documents and the directions of the Hon'ble High Court in para No. 4 of its order it is necessary to give an opportunity to obstructionist as well as decree holder to lead evidence and put forth their contentions in respect of the said documents. Further, considering the nature of applications and the contentions raised therein it would be appropriate to frame issues so that the obstructionist and decree holder may lead evidence, if any. In view of the above discussion I proceed to pass the following order -

ORDER

In view of the application (Exhibit 79) and say thereon (Exhibit 86) necessary issues are being framed separately.

The obstructionist and decree holder are at liberty to lead evidence if any on the issue so framed.

Date : 31/01/2022
Place : Malvan

Bhanupratap Chouhan
Civil Judge Junior Division

"CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED ORDER/JUDGMENT."

Chandrakala Vasant Chavan

NAME OF STENOGRAPHER