

Regular Civil Suit No.291/2018
CNR No.MHSN020009972018

Order Below Exh. 23

The present application is filed the defendant no.1 for depositing Rs. 10,000/- in the court as the defendant no. 1 is very old.

2. The plaintiff has filed her say overleap the present application and resisted the application on the ground that the law does not permit the defendant to deposit this type of money in the court. Even defendant does not make clear that on which provision she is going to deposit the money. Hence she prayed for rejection of the application.

3. Heard both sides. Perused the record

4. Learned advocate for the defendant no.1 has argued that as per natural justice, defendant may be permitted deposit Rs. 10000/- in the court. He further argued that alleged mortgage deed is false and bogus and there was no such transaction in between plaintiff and defendant no. 1.

5. On the other hand, learned advocate for plaintiff has argued that there is no mention in the application that under which provision defendant no.1 has filed the application. He further argued that present suit is for simplicitor injunction. Hence he prayed for rejection of present application.

6. As the both parties are not showing the legal provisions for decision of present application, I am going to apply my mind under Order XXIV of the Code of Civil Procedure 1908. On perusal of record it reveals that suit is for mere injunction on the basis of alleged mortgage deed dated 19/03/2008 & There is no claim of plaintiff in respect of Rs.10000/-. There is neither contention of defendant no. 1

that he has taken debt from plaintiff nor he had issued notice to plaintiff for accepting Rs.10000/-. Considering the nature of the suit and pleadings of the both parties, it seems that there is no cause to deposit Rs.10000/- in the court. Hence, the present application is liable to be rejected and rejected accordingly.

Sd/-

(Uday Mahadev Jadhav)

Sangli

Date – 03.07.2019

5th Jt. Civil Judge Junior Division, Sangli.

Certificate

Name of Court	Shri. Uday Mahadev Jadhav, I/C 4 th Jt. C.J.J.D. & J.M.F.C., Sangli
Name of Stenographer	Dinesh Shankar Pawar Steno Grade III.
Order/ Judgment dictated on	30.05.2019
Typed on	30.05.2019
Signed on	30.05.2019
Uploaded on	30.05.2019