

ORDER BELOW EXH.30

Namdeo Tukaram Sangolkar Vs. Iranna Hanmant Narale & Ors. 1

01. The applicant is seeking stay to the execution of judgment and decree in Regular Civil Suit No. 83/2019. The opponent appeared and strongly objected submitting that there is no executable decree. The application is not tenable. Previous order below Exh.8 was not continued. In such circumstances the application be rejected.

02. Heard advocate Shri. Deshpande for applicant and advocate Shri. Dharurkar for opponent.

03. Perused record. The applicant is seeking delay condonation in filing the appeal about the decree in R.C.S. No. 83/2019. The judgment and decree shows that the present opponent No.1 filed the suit against opponent No.2 seeking declaration of ownership in respect of landed properties. Opponent No.2 remained absent and suit was decreed whereby the present opponent No.1 was declared as the owner with the whole land Gat No. 168/1/A and 168/1/B. It appears that the present applicant was not at all made party. He already got executed registered sale deed in respect of land Gat No. 168/1/B. The present opponent No.2 was the vendor. It appears that by obtaining the said decree the present opponent No.2 is trying to mutate his name to the whole land. Being aggrieved by the decree the applicant

want to challenge it. He was not at all having knowledge of the decree. Considering the over all circumstances, it is justifiable to stay the execution of the decree. Considering the above circumstances following order is passed.

: ORDER :

01. The application Exh.30 is allowed.
02. The execution of the decree in Regular Civil Suit No. 83/2019 is hereby stayed, till further order.
03. Opponent Nos.1 and 2 to file say forthwith.
04. After receiving the say to the main petition the matter be expedited and applicant to conclude his evidence within 30 days thereafter.
05. Both parties to expedite the matter.

Date : 15-10-2024

Sd/-
(S. B. Desai),
Ad-hoc District Judge-1
Pandharpur.

