

R.C.S. No.568/2018  
I.A.No.05/2021  
Prasann Gavhane Vs  
Dadasaheb Pawar

**Order passed below Exh.50**  
(Passed on 07.10.2021.)

The present application is filed by the plaintiff for payment of sugar-cane bill deposited by the Court Commissioner in the Court. Hence, plaintiff prayer to allow the application.

2. Defendant by filing his say below Exh.59 has strongly opposed the application and submits that, defendant has preferred an appeal against the interim injunction order passed by this Court. The Court Commissioner is appointed as per the application filed by the defendant below Exh.25 and the sugar cane supplied to the sugar factory is owned by the defendant. The appeal preferred before the District Court bearing it No.46/2019 is pending for hearing, therefore, during pendency of appeal and trial of suit, the present application is not maintainable. Hence, defendant prayed to reject the application.

3. Considering the rival contention of both the sides, so also, I have gone through the record of case in hand, from it appears that, the sugar cane bill is deposited by the Court Commissioner in the Court as per the order passed below Exh.47. It is also admitted fact on record that, court has granted temporary injunction application in favour of plaintiff. But, the suit is not finally decided. So also, the appeal against the temporary injunction order is pending before the Hon'ble District Court. Therefore, considering the pendency of trial and appeal before the Hon'ble District Court, it would not be proper to pay the deposited amount of sugar cane bill

to either parties. Therefore, the present application is liable to be rejected. Hence, following order.

**ORDER**

Application stands rejected.

Pandharpur.

Date : 07.10.2021.

[A. P. Karad.]  
Jt. C.J.J.D, Pandharpur.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer : *Rajiv Malkarjun Gogi.*

Court : Jt. Civil Judge, J.D. Pandharpur.

Date of Judgment : 07.10.2021

Judgment signed by the  
presiding officer on : 07.10.2021

Judgment uploaded on : 07.10.2021.2021.