

**ORDER BELOW ON DRAFT OF SALE IN REGULAR
DARKHAST NO. 48/2007.**

The draft sale deed is given by decree holder Bhanudas Shankar Manjare. This is an execution petition filed by the decree holder for execution of the sale deed as per the decree. At Exh. No. 64 the application has been given by the decree holder to execute the sale deed as per the draft provided along with application. On the said application, the order has been passed by this Court calling the objections by the judgment debtor on the said draft. In view of that order at Exh. No. 80, judgment debtors have filed their objections, they have contested the draft. If all the objections are perused, it has been stated by the judgment debtor that deceased Pira Raghu Manjare was suffering from incurable decease and he was old aged person, taking undue advantage of his old age ex-parte order was obtained by the plaintiff. The application has been filed to set aside the ex-parte decree and judgment debtors have also filed delay condonation application to that effect. The said application is pending in the Court in view of Civ.M.A. No. 9/2017. The decree holders are trying to execute the decree passed ex-parte. Considering this aspect, if the draft is approved irreparable loss shall be caused to the judgment debtor. Hence, it is requested to reject the draft.

2 I have gone through the decree in R.C.S.No.153/2006, the decree is dated 27.04.2007. The said execution has been filed on 21.06.2007. It is pertinent to note that during that period the concerned judgment debtors have not taken any steps, it appears that on 24.09.2009 judgment debtors have appeared through advocate Shri. N.D. Shinde. Considering this aspect, there was ample opportunity for the judgment

debtor to seek appropriate relief with respect to allege ex-parte decree. However, they are no any orders from the concerned Court thereby staying the said execution petition. Considering all these aspects, whatever objections have been taken to the draft by the judgment debtor are not sustainable. Considering this aspect, in my opinion, the draft provided by the decree holder needs to be approved in view of Order 21 Rule 34(3) of the Code of Civil Procedure. Hence, I pass the following order :-

-:: ORDER ::-

- 1 Draft of sale deed given by the Decree holder is approved.

Date: 07.07.2017.

(S.T. Shinde)
4th Jt. Civil Judge Junior Division,
Pandharpur.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/ Order is same word to word as per the original Judgment.

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|---|--------------------------|---|---|
| a | Name of the Stenographer | : | Shri. P.T. Jadhav |
| b | Court | : | 4th Jt. C.J.J.D.& J.M.F.C.,
Pandharpur. |
| c | Date of Order | : | 07.07.2017 |
| d | Order signed by P.O. on | : | 07.07.2017 |
| e | Order uploaded on | : | 18.07.2017 |