

ORDER BELOW EXH. NO. 86 IN
REGULAR DARKHAST NO. 48/2007.

1 Decree Holder has filed this application for appointment of Court-commissioner for the purpose of executing the sale deed in favour of decree holder in view of the decree passed by the Court. It is contended that, as per the provision of law, the draft was given by the decree holder and it was served on the judgment debtor. After considering the judgment debtor's objections to the draft, the Court has approved the draft of the sale deed at Exh. No. 85 and now it is required to be executed through the Court. It is requested that, the Assistant of Superintendent of this Court should be appointed for the purpose of executing sale deed in favour of the decree holder in view of decree passed by the Court.

2 Perused the application, say filed by the judgment debtor. Heard learned advocates. It is pertinent to note that, the procedure for decree for execution of document, or endorsement of negotiable instrument is laid down in Order 21 Rule 34 of the Code of the Civil Procedure. If this provision is perused, the compliance of the provision has been made and accordingly draft filed at Exh. No. 85 has been approved, there is no any stay. Certified copy of decree is on record. Considering this aspect, in my opinion, the application is required to be allowed and Court-commissioner is required to be appointed in this case to execute the sale deed in favour of the decree holder. Hence, I proceed to pass the following order :-

::ORDER::

- 1 Application below Exh. No. 86 is allowed.
- 2 Assistant Superintendent of this Court is hereby appointed as a Court-commissioner to execute the sale deed in favour of the decree holder in view of decree passed by this Court in Regular Civil Suit No. 153/2006 as per the draft approved below Exh. No. 85.
- 3 The concerned Assistant Superintendent shall also cause the document of the sale deed be registered in accordance with law and the expenses of the said registration and execution of the sale deed shall be borne by the decree holder.
- 4 Court-commissioner report be returnable on 20.04.2018.

Date :20-03-2018.

(S.T. Shinde)
3rd Civil Judge Junior Division,
Pandharpur.

C E R T I F I C A T E

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

- a Name of the Stenographer : Shri. P.T. Jadhav
- b **Court** : **3rd Jt. C.J.J.D.& J.M.F.C.,
Pandharpur.**
- c Date of Order : **20-03-2018.**
- d **Order** signed by P.O. on : **22-03-2018.**
- e Order uploaded on : **22-03-2018.**