

ORDER BELOW EXH. NO. 94 IN
REGULAR DARKHAST NO. 48/2007.

1 Judgment debtor has filed this application to grant stay to the execution of the order passed by this Court today below Exh. No. 86. Contention of the judgment debtor is that, the judgment debtor wants to seek remedy against the said order before the superior court. So it is requested to stay the execution of the order passed today granting appointment of Court-commissioner to execute the sale deed.

2 Decree holder has filed say to the the application and contested the application on the ground that, application is not tenable in the eyes of law. The order passed by the Court is legal and valid one. No stay order is there of superior Court. Matter is very old one. There is no any pending proceeding with respect to alleged subject matter. There is no affidavit in support of application. The judgment debtor is only applying delay tactics for prolonging the execution. So, it is requested to reject the application.

3 Perused the application, say filed by the decree holder. It is pertinent to note that, below Exh. No. 86, this Court has passed the order

and thereby appointed a Court-commissioner to execute the decree of specific performance. It is pertinent to note that, the judgment debtor has filed this application and thereby prayed that, he wants to prefer proceeding against the order in higher Court. Considering this aspect, in my opinion, in order to fair give opportunity the execution of the order passed below Exh. No. 86 can be suspended. Hence, in the interest of justice, I proceed to pass the following order :-

::ORDER::

Execution of the order passed below Exh. No. 86 is suspended till next date in view of submissions of the judgment debtor with respect to resorting remedy against the said order before the Higher Court.

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.