

ORDER BELOW EXHIBIT- 78 IN R.D.No.25 of 2010

Present application is filed by Mr. S. B. Khandelwal, learned advocate, seeking time to submit the Vakalatnama on behalf of the Judgment debtors. He has made a further request to grant some time to submit say to application (Exh.65) filed by the decree-holder.

2. It is asserted that the previous advocate of the judgment debtors is dead. Judgment debtors are not resident of Barshi town. They have instructed the applicant orally to appear on their behalf. It is further asserted that Civil Appeal No.120/2014 is pending before the Appellate Court. Next date of hearing of appeal is 13.12.2016. Said date is fixed by the Appellate Court to pronounce the order on the application filed by the appellants to set aside the order of abatement.

3. Decree-holder has opposed the application by filing the say. According to the decree-holder, said application in the appeal is not having any relevance with reference to the present R.D. Ultimately, decree-holder has conceded to grant short time.

4. Perused the record and proceeding. Heard both the sides. It is relevant to note here that R.C.S. No. 533/1991 was instituted by the decree-holder for recovery of possession and arrears of rent. It was decreed in the year 2010 after a long period of 19 years. Judgment debtors have preferred appeal against the said judgment and decree. Meanwhile, decree-holder (original plaintiff and the respondent in the appeal) has died. Appellants have not brought the legal representatives of deceased plaintiff/respondent on

record. Hence, the appellants have filed the application before the Appellate Court to set aside the order of abatement and the order thereon is awaited. In such circumstances, present application has been filed. It may be noted here that application (Exh.75) has been filed by the decree-holder to issue possession warrant. In view of the chequered history of the litigation, present R.D. is required to be disposed off expeditiously. Decree-holder is waiting since 25 years. Short time has been solicited to submit the say and the same has not been opposed by the decree-holder. In view of the above, time granted till 14.12.2016.

Date :06.12.2016

(S.K. Khan)
Jt. Civil Judge (J.D.),
Barshi.

CERTIFICATE

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

Name of Stenographer : Bhaskar G.B.

Court Name : S.K.Khan,
Jt.C.J.J.D.& J.M.F.C. Barshi

Date : 06.12.2016

Order signed by the
presiding officer on : 06.12.2016

Order uploaded on : 07.12.2016