

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 707 OF 2016

(Shri Suresh s/o Girdharilal Nikose and Another...VS...Shri Kabirdas s/o Mahadeo Dhanvijay)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri A. M. Sudame, Advocate for Petitioners.
 Shri N. B. Bargat, Advocate for Respondent.

CORAM : S.C.GUPTE, J.

DATED : 22nd SEPTEMBER, 2017.

01] The Subject matter of challenge in the present petition is an order passed by Adhoc district Judge-5, Nagpur, in Misc. Civil Appeal No.162 of 2015 challenging a decree on admission passed by Civil Judge Senior Division, Nagpur in Special Civil Suit No.146 of 2007. Pending the appeal, the respondent (original plaintiff/judgment creditor) filed an execution application. There was an objection to the execution on the part of the defendants-judgment debtors. The matter was referred to the Lok Adalat and by a joint pursis filed by the parties, the respondent herein (original plaintiff-decree holder) accepted the terms and conditions of agreement for sale dated 5th June, 2005. The respondent deposited a sum of Rs.3,00,000/- as per the joint pursis and consented to withdrawal of the amount by the petitioners and agreed that a sale-deed would be executed in his favour only after receipt of this amount of Rs.3,00,000/-. The grievance of the petitioners is that the respondent has now withheld his no objection for withdrawal of Rs.3,00,000/- and has been insisting on execution of the sale-deed before such withdrawal. Learned counsel for the respondent agrees that

he shall permit withdrawal of the sum of Rs.3,00,000/- by the petitioners and that the sale-deed would be executed within 5 days thereafter. These statements are accepted. Since the grievance of the petitioners has thus been redressed, nothing survives in the writ petition. The writ petition is disposed of accordingly.

02] Learned counsel for the respondent states that there is no grievance in respect of any of the matters forming part of the subject matter of the writ petition as far as his client is concerned. The statement is accepted.

JUDGE

PBP