

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

924 FIRST APPEAL NO. 3691 OF 2016

Sanjay Shivshankar Chitkote.

Appellant.

Versus

Bhanudas Dadarao Bokde & ors.

Respondents.

Mr. Nandagavle, Advocate holding for

Mr. V.G. Sakolkar, Advocate for the appellant.

Mr. R.K. Ashtekar, Advocate for respondent No.1.

Mr. V.V. Bhavthankar, Advocate for respondent Nos.2 to 5.

CORAM : **T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

Dated : **21 February 2019.**

ORDER :-

. Both the sides are present. Mr. Ashtekar, the learned Counsel submitted for respondent / original defendant No.1 that he will be representing the deceased defendant. He submits that in view of the nature of relief granted by the trial Court, it was not possible to entertain the appeal, but notice is issued in the appeal.

2. Decree of specific performance of contract of sale of immovable is given by the trial Court. Time of three months was

given for depositing consideration amount. Plaintiff was found to be in possession and so the relief of injunction is also given in favour of the plaintiff.

3. The submissions made show that though the decree was given on 16.04.2016, till today the consideration amount is not deposited by the plaintiff / Decree Holder, but he has filed the present appeal. Learned Counsel for the appellant submitted that the price of property came down and so the consideration was not paid. Learned Counsel for the respondent / defendant submitted that legal representatives of the deceased defendant are still ready to accept the consideration shown in the agreement. In view of this circumstance, stand over to 25 February 2019 in urgent category. Further orders like dismissal of appeal as not tenable, will be passed on 25 February 2019.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE