

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Digitally
signed by
BALAJI
GOVINDRAO
PANCHAL
Date:
2022.01.20
11:08:09
+0530

WRIT PETITION NO.7390 OF 2021

Mr. Purushottam Badrinarayan Chandak ..Petitioner

Versus

Savitrabai Badrinarayan Chandak

(Since deceased through her LRs)

Smt. Shakuntala Pannalal Bhutada and Ors. ..Respondents

WITH

WRIT PETITION NO.8669 OF 2021

Subhash Badrinarayan Chandak ..Petitioner

Versus

Mr. Purushottam Badrinarayan Chandak and Ors. ..Respondents

Dr. Uday P. Warunjikar a/w Ms. Vaishnavi Gujarathi, for the
Petitioner in WP No.7390 of 2021 & for Respondent No.1 in WP
No.8669 of 2021.

Mr. Girish R. Agrawal, for Respondent No.2 in WP No.7390 of 2021
& for Respondent No.3 in WP No.8669 of 2021.

Mr. Ajay A. Joshi, for Respondent No.3 in WP No.7390 of 2021 & for
Petitioner in WP No.8669 of 2021.

CORAM : NITIN W. SAMBRE, J.

DATE : 19th JANUARY, 2022

PC.

1. In execution proceedings of decree for partition, the
orders impugned permitting judgment debtor to deposit the amount
of consideration for execution of sale-deed from the said Court came
to be passed.

2. Admittedly, valuation of the suit property is not carried

out from a valuer and the acceptance of offer of judgment debtor is without any legal bases.

3. In the aforesaid background, parties hereto have consented for setting aside of the order dated 23rd October, 2021 passed below Exh.1 and order dated 9th September, 2021 permitting deposit of consideration of Rs.75,00,000/- in the Court at the behest of judgment debtor No.2. As such, the orders impugned in both these petitions are set aside.

4. In view of consent extended by the parties, Trial Court is directed to appoint Court Commissioner (Government Valuer) for carrying out effective valuation of the suit property.

5. Parties to the decree are at liberty to submit their offers over and above the one which will be mentioned in the valuer's report. Such claims shall be considered and dealt with by the Executing Court in accordance with law.

6. Entire aforesaid procedure be completed within a period of ten weeks from the date of communication of this order as the execution of decree is being prolonged for one or the other reason.

7. Both these petitions stand disposed of in above terms.

[NITIN W. SAMBRE, J.]