

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

WRIT PETITION NO. 2640/2022

MAQBOOL AHMED S/O HAJI AMEERULLAH AMBER AND ANOTHER
VS
MOHD. RIZWAN ANSARI

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Rashmi, counsel h/f Shri R.K. Mahajan, counsel for the petitioners.

CORAM : ANIL S. KILOR, J.
DATED : 25/01/2023

1. The order below Exhibit No.10 dated 26/02/2021, passed by the 5th Joint Civil Judge, Senior Division, Nagpur in Special Darkhast Number of 110/2019, allowing the application moved by the decree holder for permission to deposit the amount of Rs.5,00,000/- for the purpose of specific performance and sale-deed as per the judgment and decree dated 28/03/2019 was allowed, is under challenged.

2. It is pertinent to note that the objection raised to the said application, by the petitioner is kept pending for the decision. The Court has categorically observed that, without prejudice to the objection raised by the judgment debtor, the application is allowed and the objection shall be decided separately. Thus, there is no order adverse to the rights of the petitioner.

3. In the circumstances, I do not find any error committed by the learned trial Court in permitting the decree holder to deposit the amount. Accordingly, the writ petition is **dismissed**.

JUDGE