



Order below Exh.
Darkhast No. 1809/2024
MHPU010069432024

Kamlesh
Vs.
Ishwar Constructions & Ors.

Order below Exh.9

Perused application and record on e-portal. By way of this application, the Decree Holder states that the summons were issued to Judgment Debtors, but they returned those summons. As the summons came back unserved since the Judgment Debtors returned the same that shows that Judgment Debtors are well aware about the present proceeding and they deliberately evading service of summons. Therefore, Judgment Debtors be directed to pay the decretal amount and the Judgment Debtors be detained in Civil Prison.

02. On perusal of record, it appears that the notices of execution proceeding were issued to Judgment Debtors. The Bailiff report of notices at Exh. 5, 6 and 8 show that the Bailiff had been to given address, but the Judgment Debtors were not available there. The concerned person told that Judgment Debtors have gone to Rajasthan. It appears from notice report that the notice returned unserved.

03. It further appears that the bailiff has not made substitute service. By way of this application, the Decree Holder requested to detain the woman i.e. Judgment Debtor no. 4 in civil prison. In such circumstance, it would not be proper to issue arrest warrant against Judgment Debtors without exhausting the other remedy of service of

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notices upon Judgment Debtors. Hence, the Decree Holder is directed to properly serve the notices upon the Judgment Debtors by availing appropriate provision of law. Hence, the application is hereby rejected.

Date : 09/09/2024

(R.R. Mendhe)
District Judge-18
Pune

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CERTIFICATE

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

Name of Steno : Anis E. Deshmukh (Steno. Grade-III)

Court Name : Shri.R.R.Mendhe, Dist.Judge-18, Pune

Date : 09/09/2024

judgment uploaded on : 13/09/2024