

A. R. D. No.678/2017 IndusInd Bank Vs. Bhausahab Thakare
Order Below Exh.34(Passed on 26.03.2024)

The application(Exh.34) is filed by the decree holder for issue of detention warrant alongwith police aid contending that the report of the bailiff(Exh.24) reveals that the judgment debtor has avoided execution of detention warrant issued under Rule 38 Order 21 of the Code of Civil Procedure by shouting loudly. No say filed by the judgment debtor as none present hence placed for order.

2. Heard the learned counsel for the decree holder who submitted as per the application. Perused the record. It reveals that the *darkhast* is filed for recovery of Rs.74,143. He is served through advocate on 25.11.2022. The *jangam* warrants issued against him but he could not be executed. Notice under Rule 37 of Order 21 of the C.P.C.(Exh.14) is duly served hence detention warrant issued as per order dated 14.2.2023 passed below Exh.22 and it is again reissued from time to time. As submitted by the decree holder the bailiff's report dated 06.03.2024 shows when he had been to his house for his detention and asked him to come with him by motorcycle but he started shouting loudly and also given jerk to his hand and his nature is adamant hence there is probability of breaking of law and order hence the warrant could not be executed. Considering the conduct of the judgment debtor it is necessary to allow the application for grant of police aid by exercising special powers under section 151 of the C.P.C. in the interest of justice hence I pass the following order ;

ORDER

1. The application(Exh.34) allowed as prayed.
2. The decree holder to take steps to make payment of police aid to the concerned department.
3. Issue letter to the concerned Police Station accordingly.

Sd/-
(N.K.Walke)

Date : 26.03.2024

Civil Judge, Senior Division, Chalisgaon.