



ORDER PASSED BELOW EXH.12
IN SPECIAL DARKHAST NO.05/2025

[CNR No.MHKO090000932025]

The present application is filed by the J.D. under Section 47 read with Order XXI Rule 23 of Civil Procedure Code for dismissing the execution petition for want of jurisdiction and keeping in abeyance the attachment order dated 12.08.2025.

2. In short, it is the contention of the J.D. that the present execution petition is filed on Regular Civil Suit No.152/2014 dated 28.08.2024 passed by Civil Judge Junior Division, Chandgad. The J.D. challenged the present Judgment, however, due to delay for filing the appeal, delay condonation application is filed, which is pending for the decision.

3. The J.D. further submit that the present execution petition ought to be filed before the C.J.J.D., Chandgad as J.D. having factory in the territorial jurisdiction of C.J.J.D., Chandgad. This Court having no jurisdiction to execute the decree in question, as there is no order of transferring the decree to this Court. With this submission, the J.D. prayed for dismissal of petition for want of jurisdiction and also seek abeyance of the warrant issued below application Exh.11.

4. The present application is strongly opposed by the other side. It is the contention of the decree holder that defendant is residing within the jurisdiction of the Chandgad Court and also within the jurisdiction of this Court. There is no necessity to transfer of decree to this Court. Also the amount of darkhast determined by decree holder is came under the pecuniary jurisdiction of this Court. Therefore, there is no substance in the present application.

5. Perused the application. In the present application, two folded objections are taken by the J.D.. First is regarding the jurisdiction of this Court and second is about the procedure adopted for filing the execution petition. As regard first objection is concerned, no doubt the J.D. resides at Taluka Chandgad and properties are also situated at Chandgad. However, this is the money decree and amount which is subject matter of the decree is 10 lakhs. Thus, it is beyond the pecuniary jurisdiction of Court of Civil Judge Junior Division, Chandgad. Any matter which having subject value of more than 5 lakhs need to be instituted in the Court of Civil Judge Senior Division having territorial jurisdiction over that area. This Court holds that jurisdiction over the Chandgad territorial area. Therefore, it cannot be said that the Court of Civil Judge Senior Division, Gadhinglaj not having jurisdiction to entertain the execution.

:: 3 ::

Spl.Darkhast No.05/2025.(OBE 12)

6. As regard the other objection is concerned, it is submitted that without the transfer of decree, this Court cannot entertain the execution petition. However, I am also not convinced by the said submission because when the amount recovered from the J.D. is more than pecuniary limits of the Junior Division Court, then there is no maintainability to file the execution petition in that Court. Thus, the second objection is also not sustainable. Hence, I found no reason to stay or postpone the execution. More particularly, when there is no stay from the Hon'ble Appellate Court. Thus, I pass the following order :-

ORDER

Application is rejected.

Place : Gadhinglaj.
Date : 10.03.2026.

(N. S. Puri)
Civil Judge Senior Division,
Gadhinglaj