

MHKO090002652021



ORDER BELOW EXH. 1 IN L.A.R. DARKHAST NO. 22/2021

1. It is submitted by the concerned clerk in written submission that the same decree holder has filed two execution petitions i.e. L.A.R.No. 23/2021 and 24/2021, one by one advocate and another by another advocate. The same are filed from the same award by the same person. This in fact is fraud upon the court by the decree holder. As per the Code of Civil Procedure, one decree holder cannot file two execution petitions simultaneously. Hence, both the petitions shall be clubbed together and the decree holder is directed to continue only with one execution petition. He has to file a suitable pursoris to withdraw another one otherwise the court will pass suitable order regarding second one.
2. Similarly, as per the report submitted by the concerned clerk, it appears that out of the same decree, some decree holders have filed one execution petition and some have filed another one by another advocate, as per Article B. As per Order XXI Rule 15 of the Code of Civil Procedure. This is not permissible. Hence, no payment order will be made in these execution petitions unless there is proper compliance of Order XXI Rule 15 of the Code of Civil Procedure.

3. Similarly, if at all an application is filed for payment, it shall have signatures of all the parties and their advocates.

Date : 27.06.2023

(G. V. Deshpande)
Civil Judge Senior Division,
Gadhinglaj