

MHKO110016672018



Reg. Darkhast No.48/2018.

(CNR No. MHKO110016672018)

Order Below Exh.18.

(RBL Bank Vs. M/s. D. B. Zagade and others)

This is an application for issuance of arrest warrant under Order XXI Rule 38 of the Code of Civil Procedure (in short C.P.C.) Decree Holder (in short D.H.) submitted that, inspite of issuance of recovery warrant under Order XXI, Rule 43, Judgment Debtor (in short J.D.) failed to pay the amount. Amount of Rs.3,74,458/- excluding interest, is due. Hence, this application. J.D. inspite of repeated opportunities failed to file their say on the present application.

02. Heard learned advocate for D.H. Perused the bailiffs report alongwith panchnama filed at **Exh.19**. It appears from the report that, J.D. No.2 Sunil Surel Shah avoided execution of the recovery warrant. Hence, to protect the interest of the D.H. it is necessary to take drastic steps i.e. issuance of arrest warrant as contemplated under order XXI, Rule 38 of C.P.C. While issuing warrant D.H. should be directed to pay subsistence allowance, according to section 57 of C.P.C. Therefore, the present application deserves to be allowed. Hence I proceed to pass the following order -

ORDER.

1. Application **Exh.18** is allowed.
2. Issue arrest warrant against J.D. No.2 – Sunil Surel Shah, as contemplated under Order XXI, Rule 38, of

C.P.C. for payment of Rs.3,74,458/-, after payment of subsistence allowance.

3. D.H. is directed to deposit subsistence allowance for the same.
4. Application is disposed off accordingly.

Date : 09/04/2026.

(**Shrinivas A. Kulkarni**)
Civil Judge Junior Division,
Peth-Vadgaon.