



ORDER BELOW EXH-80 IN REG.DARKHAST
No.53/2017(Old R.D.No.9/2016)

This is an application made by J.D.No.2. Contending that he is sole earning member of his family. For the purpose of his job he is residing out side of his native place. If, he is sent in Civil Prison, his family would to put on starvation. He is ready to abide conditions to remain present in the court on each fixed dates. Ultimately, he urged to cancellation of arrest warrant issued against him.

02. The D.H. has filed say on overleaf of application and averred that, the application is against law. The court cannot canceled the warrant once issued. On 16-02-2019 J.D.No.2 was present before the court and the court ordered to be taken in custody. However, at that time J.D.No.2 undertook to remain present on each dates of the proceeding. Thereafter, J.D. No. 2 remain absent in the court time and again. If, arrest warrant is canceled, D.H. would put to irreparable loss. Therefore, urged to reject the application.

03. Heard. From record it appears that, the execution petition is pending for not obeying the decree of

injunction. The D.H. has led his evidence. My learned predecessor passed order of arrest warrant u/s 21 Rule 38 of Civil Proceeding Code, against J.D.No.2 vide order below Exh.47. Today J.D.No.2 was present in another criminal proceeding. Therefore, the D.H. moved application to execute arrest warrant against J.D.No.2 as he is present in the court premises. Today J.D.No.2 is not represented by his advocate in present execution proceeding. In such circumstances it is necessary to give him fair opportunity to file his say and to take necessary steps in the matter. Hence, certain time need to be given to J.D.No.2 by staying arrest warrant issued against him. Hence following order.

Order

1. Arrest warrant issued against J.D.No.2 is stayed till 22-02-2021.
2. J.D.No.2 shall remain present on 22-02-2021 without fail in the matter and take necessary steps as required by law.
3. Call back arrest warrant of J.D.No.2.

Date : 18-02-2021.

(V.V.Khulape)
Civil Judge Jr.Divn.,
Kale-Kheriwade.

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R.D.No.53/2017 (Order Exh.80)