



Order below Exh. 98 in R.D.No. 53/2017

This is an application made by J.D.No.2 for extension of order passed below Exh.80 in respect of stay to arrest warrant issued against him. It is contended that after passing below Exh.80, the Hon'ble High Court has issued S.O.P and it was extended till 30-09-2021. Therefore, order passed by this court below Exh.80 is in existence till today. Hence, said order further be extended.

02. The D.H. has filed say on overleaf of application and asserted that order of arrest warrant was passed below Exh. 47 on 29-11-2016. However, J.D.No.2 avoided to execute the said warrant time to time. Even, he was present on 16-02-2019 before the court and submitted his say below Exh.71. But again he remained absent. Therefore, order was passed against him on 18-02-2019. Thus, J.D. No. 2 has full knowledge about the proceeding. Thereafter J.D.No.2 has made application under Section 47 of the Code of Civil Procedure. The said application is also rejected on merits. As such, J.D. No.2 causing harassment of D.H. On these grounds D.H. has prayed to reject the application.

03. Heard both sides. It appears from record of the proceeding that this court while passing order below Exh. 80 stayed the arrest warrant issued against J.D.No.2 and given him sufficient opportunity to file his say and take necessary steps in the matter. Thereafter, J.D.No.2 has made application under Section 47 on the Code of Civil Procedure. The said application decided on merits and rejected the same on 20-09-2021. It is important to consider that J.D.No.2 has not filed say to original execution proceeding till toady. Despite having knowledge of execution proceeding J.D.No.2 did not file his say to original execution proceeding from 16-02-2019. Today D.H. and J.D.No.2 both are present before the Court. There is no stay to any order passed by this court. As such, no sufficient and satisfactory reason is shown by J.D.No.2 for staying arrest warrant issued against him. Hence following order.

ORDER

1. The application is rejected.
2. No order as to costs.

Kale-Kheriwade.
Date : 04/10/2021.

(V. V. Khulape)
Civil judge Junior Division,
Kale-Kheriwade.