



**ORDER BELOW EXH-179 IN REG.DARKHAST**  
**No.53/2017(Old R.D.No.9/2016)**

Perused application and say filed. Heard both sides. It is fact on record the J.D.No.1-B appeared through P.O.A J.D.No.2 by filing V.P. at Exh.160. The J.D.No.2 has filed previously an application at Exh.124 dated 22-11-2022 asking for setting aside 'No say order' but as per record at that time he was not appearing on behalf of J.D.No.1-B as that V.P. is filed at Exh.160 dated 19-03-2022.

**02.** Hence per se on record after issuance of show cause notice u/o 21 R. 32, J.D.1-B failed to remain present and give explanation. Hence warrant was issued. Same executed. Therefore, the arrest is justified. As for the subsistence allowance. D.H. had paid subsistence allowance in year 2016 for J.D.No. 1-B and 2 out which J.D.2 was arrested and was languished in prison for period of 1 month hence, the subsistence allowance is already expensed out. Therefore, D.H. is directed to pay subsistence allowance in todays date for the period of one month only.

**03.** As for the prayer of one year Civil imprisonment

at this point it is considered for one month only as Order 21 Rule 40 sub.6 (Bom. amendment) proviso (i) for extension it will be considered after that.

**Order**

1. Application is partly allowed.
2. J.D.No.1-B be sent Civil prison for period i.e.25-11-2022 to 23-12-2022.

Date : 25-11-2022.

(Neha K.Nagargoje)  
Civil Judge Jr.Divn.,  
Kale-Kheriwade.