


MHLA050012192009 	R.D No.127/2009 Osmanabad Bank Vs. Avinash
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:: ORDER BELOW EXH.348 ::

01. The application is filed by the D.H. contending that, the warrant has been issued against J.D. No.1 and 3 which has received unserved. J.D. No.4 and 5 have filed appeal against the order passed below Exh.310 of this court before the Hon'ble Bombay High Court. Accordingly, the Hon'ble High Court was pleased to stay the proceeding for 8 weeks. J.D. No.4 and 5 have not obeyed the order of the Hon'ble Bombay High Court. Therefore, it is prayed that arrest warrant may be issued against them.

02. Say is not filed by J.D.s.

03. In the meanwhile, the arrest warrant issued against J.D. No. 3 and 5 is cancelled being the women litigants. The order of the Hon'ble High Court in writ petition No.5357 of 2025 is very much clear. The petition was presented by J.D. No.4 and 5. Neither of the J.D.s have deposited any amount towards repayment of the decretal amount. The order passed by the Hon'ble High Court to deposit the amount within 8 weeks by putting any other property to sell, is not followed by J.D. No.4 and 5. As such, they do not have any right to say anything as already they have defied the orders of the Hon'ble High Court.

04. As far as considering the approach of J.D. No.1, he has not appeared today in the court nor his advocate submitted anything. It is very much clear that, J.D.s are doing every possible effort to evade the execution proceeding. Their conduct can be seen since last 16 years. There

is no other way than to issue arrest warrant against them as already the compliance of Order 21 Rule 37 of the C.P.C. is done.

05. Hence, the application is allowed against J.D. No. 1 and 4.

Sd/-

{ S.N.Sarde }

Civil Judge Senior Division,

A h m e d p u r.

Date : 12/11/2025.