

ORDER BELOW EXH.31

(Passed on 07/03/2025)

The present application is filed by the D.H. for granting police aid at the time of giving possession through Bailiff. Say not filed by the J.D. Hence, present application is proceeded without say.

2. Heard advocate for D.H. In second session, J.D. and Adv. Humne appeared but he has not argued the application. Even he has not submitted anything about the pendency of appeal or stay to the execution or the decree. Hence, I proceeded to pass the order.

3. The possession warrant was issued against judgment debtor as per Exh.32. It is reported by the Bailiff that it was unserved due to the person specifically women defendant no.2 obstructed its execution and therefore Bailiff failed to execute the possession warrant. The pursis is filed by the DH is that there is no stay to the execution as well as the decree is not stayed by any higher Court below Exh.33. It is also submitted by Adv. Kushwaha that there is no stay to the execution as well as decree is not stayed.

4. I have carefully perused the report filed by Bailiff below Exh.32. Considering the report for the execution of the decree in peaceful manner there requires a police aid to the bailiff. Hence, application is required to be allowed as follows :

- ORDER -

1] The application is allowed.

- 2] D.H. is allowed to take the aid of police for the execution of the decree.
- 3] The Police Inspector, Police Station Kanhan is hereby directed to give one gents and one lady constable on the date of execution of the decree i.e. on the date of execution of the possession warrant to the bailiff at the costs of D.H.
- 4] D.H. is directed to deposit the necessary fees with the concerned police station affixing this order with the application and inform the bailiff about the depositing of the fees.
- 5] Bailiff is hereby directed to inform the date of execution of the possession of warrant in advance to the concerned police station and take aid of the police mentioned above.
- 6] Both the constables are hereby directed to help the bailiff for the peaceful and effective execution of possession warrant as per the decree.
- 7] Bailiff is further directed to take the aid of lock breaker at the costs of D.H., if, the suit property is locked by the J.D. or anybody on his behalf, prior to breaking the lock. Bailiff is further directed to video-graph the whole procedure till it's completion and prepared the detailed panchnama. If any amount is required to be pay for the videography then it will be paid by the D.H.

Kamptee

Date : 07/03/2025.

(Mohan R. Kamat)
Civil Judge, Junior Division,
Kamptee.