

ORDER BELOW EX. 22
(Passed On 20th January 2025)

1. This is an application for issuing recovery warrant of Rs.1,70,307/- against judgment debtors and attaching /confiscating furniture i.e. 10 Computer, 10 Table, 10 Chairs, 10 cupboard & other furniture preferred by decree holder / plaintiff.

2. Perused the application and record. I have heard Mr. P.D. Shinde learned counsel for decree holder/plaintiff and Mr. A.S. Kulkarni learned counsel for Judgment debtor No. 1 / respondent No. 1.

3. Mr. Shinde learned counsel for decree holder /plaintiff submitted that decree holder/plaintiff has filed present execution proceeding against Judgment debtors / respondents. Mr. Shinde submitted judgment debtors are deliberately trying to delay the present matter for avoiding making any sort of payments to decree holder. Mr. Shinde submitted that decree holder would suffer irreparable loss if payment of award in terms of decree is not made to him. Mr. Shinde submitted in consonance to his application and prayed to allow the instant application.

4. Mr. Kulkarni learned counsel for respondent No. 1 /judgment debtor No. 1 vehemently opposed the instant application and submitted that the instant application at this stage is not maintainable. Mr. Kulkarni submitted that proposal is already sent for challenging the Judgment in LAR No. 206/1992 and judgment debtors are inclined to challenge the said Judgment. Mr. Kulkarni submitted that

present application is filed with ulterior motive just to harass respondents/judgment debtors. Mr. Kulkarni submitted in consonance to his reply and prayed to out rightly reject it with heavy cost.

4. On perusal of record with eagly eyes it reveals that there is no stay to the present proceedings. It seems judgment debtors are killing time and deliberately trying to prolong the matter for one reasons or the other. It is pertinent to mention that recovery warrant is not yet served on judgment debtors hence, it would be desirable to serve recovery warrant at first instance prior to issuing attachment warrant against judgment debtors. On the basis of arguments of rival sides, I am of the opinion that instant application needs to be partly allowed in the interest of justice. It would be desirable to issue recovery warrant at the first instance. In the result, I am inclined to pass following order.

ORDER

1. The application at Ex. 22 is partly allowed.
2. Issue recovery warrant of Rs. 1,70,307/- against judgment debtors.

Place:- Kallam

Date:- 20/01/2025

(N. A Ingley)
Civil Judge Senior Division
Kallam

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment / order are same, word to word, as per the original Judgment / order.

Name of Stenographer	-	S.R. Kale Stenographer (Grade-II)
Court	-	Civil Court, Senior Division, Kallam.
Date	-	20-01-2025
Order signed by the Presiding Officer on	-	20-01-2025
Order uploaded on	-	21-01-2025