

**ORDER BELOW EX. 28**  
**(Passed On 06<sup>th</sup> May 2025)**

1. This is an application for issuing recovery warrant of Rs. 73,918/- against judgment debtor.

2. Perused the application and read the reply. I have heard Mr. P.D. Shinde learned counsel for decree holders/claimants and Mr. A.S. Kulkarni learned A.G.P for respondent /judgment debtor.

3. Mr. Shinde learned counsel for decree holders /claimants submitted that decree holders/claimants have filed present execution proceeding against respondents /judgment debtor. Mr. Shinde submitted that judgment debtor has not challenged the Judgment in LAR No. 103/1984. Mr. Shinde submitted judgment debtor is deliberately trying to delay the present matter for avoiding making any sort of payments to decree holders. Mr. Shinde submitted that already decree holders have lost their land and they would suffer irreparable loss if payment of award in terms of decree is not made to them. Mr. Shinde submitted in consonance to his application and prayed to allow the instant application by issuing recovery warrant of Rs. 73,918/- against judgment debtor.

4. Mr. Kulkarni learned counsel for respondent /judgment debtor 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. 103/1984 and judgment debtor is inclined to challenge the said Judgment. Mr. Kulkarni submitted that present application is filed with ulterior motive just to harass respondent/judgment debtor. Mr. Kulkarni submitted in consonance to his reply and prayed to out rightly reject it with heavy cost.

5. On perusal of record with eagly eyes it reveals that there is no stay to the present proceedings. The decree holders is entitled for getting the fruits of decree from judgment debtor since award passed in LAR No. 103/1984 is in their favour. It seems judgment debtor is killing time and deliberately trying to prolong the matter for one reasons or the other. On the basis of arguments of rival sides, I am of the opinion that instant application needs to be allowed in the interest of justice. In the result, I am inclined to pass following order.

### **ORDER**

1. The application at Ex. 28 is allowed.
2. Issue recovery warrant of Rs. 73,918/- against judgment debtor.

**Place:-** Kallam

**Date:-** 06/05/2025

**(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<br>Stenographer (Grade-II)     |
| Court                                       | - | Civil Court, Senior Division,<br>Kallam. |
| Date                                        | - | 06-05-2025                               |
| Order signed by the<br>Presiding Officer on | - | 06-05-2025                               |
| Order uploaded on                           | - | 07-05-2025                               |