

ORDER BELOW EX. 16
(Passed On 27th January 2025)

1. This is an application for cancellation of recovery warrant of Rs. 2,89,045/- issued against judgment debtors.

2. Perused the application and read the reply. I have heard Mr. C.K. Maindad learned counsel for decree holders/claimants and Mr. A.S. Kulkarni learned A.G.P for respondent No. 1 and 2/judgment debtor No. 1 and 2.

3. Mr. Kulkarni learned A.G.P for respondent No. 1 and 2/judgment debtor No. 1 and 2 submitted that proposal is already sent for challenging the Judgment in LAR No. 203/1993 and judgment debtors are inclined to challenge the said Judgment. Mr. Kulkarni submitted that request letter for granting the decretal/award amount is already sent to Collector by respondents and respondents are ready to pay the due amount to decree holders / claimants as soon as grant is received from Collector. Mr. Kulkarni submitted in consonance to his application and prayed to allow the instant application by canceling recovery warrant of Rs. 2,89,045/- issued against judgment debtors.

4. Mr. Maindad learned counsel for decree holders/claimants vehemently opposed the instant application and submitted that the instant application at this stage is not maintainable. Mr. Maindad learned counsel for decree holders/claimants submitted that decree

holders/claimants have filed present execution proceeding against respondents /judgment debtors. Mr. Maindad submitted that judgment debtors have not challenged the Judgment in LAR No. 203/1993. Mr. Maindad submitted judgment debtors are deliberately trying to delay the present matter for avoiding making any sort of payments to decree holders. Mr. Maindad 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. Maindad submitted that there is no provision for cancellation of recovery warrant and respondents ought to have challenge the order passed on Ex. 13 but that has not been done so. Mr. Maindad submitted that present application is filed with ulterior motive just to harass. Mr. Maindad 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 are entitled for getting the fruits of decree from judgment debtors since award passed in LAR No. 203/1993 is in their favour. It seems judgment debtors are 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 rejected out rightly. In the result, I am inclined to pass following order.

ORDER

The application at Ex. 16 stands rejected.

Place:- Kallam

Date:- 27/01/2025

(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	-	27-01-2025
Order signed by the Presiding Officer on	-	27-01-2025
Order uploaded on	-	27-01-2025