

ORDER BELOW EX. 17
(Passed On 25th June, 2024)

1. This is an application for issuing recovery warrant of Rs. 6,87,194/- against judgment debtors.

2. Perused the application and read the reply. I have heard Mr. S.S. Lomate learned counsel for decree holder/claimant and Mr. A.S. Kulkarni learned A.G.P for respondent No. 1 and 2 /judgment debtor No. 1 and 2. No say filed by respondent No. 3 /judgment debtor No. 3.

3. Mr. Lomate learned counsel for decree holder /claimant submitted that decree holder/claimant has filed present execution proceeding against respondents /judgment debtors. Mr. Lomate submitted that judgment debtors have not challenged the Judgment in LAR No. 200/2002. Mr. Lomate submitted judgment debtors are deliberately trying to delay the present matter for avoiding making any sort of payments to decree holder. Mr. Lomate submitted that already decree holder has lost his land and he would suffer irreparable loss if payment of award in terms of decree is not made to him. Mr. Lomate submitted in consonance to his application and prayed to allow the instant application by issuing recovery warrant of Rs. 6,87,194/- against judgment debtors.

4. Mr. Kulkarni learned counsel for respondent No. 1 and 2/judgment debtor No. 1 and 2 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. 200/2002 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.

5. On perusal of record with eagly eyes it reveals that there is no stay to the present proceedings. The decree holder is entitled for getting the fruits of decree from judgment debtors since award passed in LAR No. 200/2002 is in his 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 allowed in the interest of justice. In the result, I am inclined to pass following order.

ORDER

1. The application at Ex. 17 is allowed.
2. Issue recovery warrant of Rs. 6,87,194/- against judgment debtors.

Place:- Kallam

Date:- 25/06/2024

(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	-	25-06-2024
Order signed by the Presiding Officer on	-	25-06-2024
Order uploaded on	-	26-06-2024