

MHRG190002372023



**Spl.Darkhast No.03/2023**

M/s. Laxmi Organic Industries Ltd.  
Vs.Salim M. Darekhan & Ors.

**ORDER BELOW EXH.16.**  
**(Passed on 14.07.2026)**

1. This is an application filed by judgment debtor under Order XXI Rule 26 of the Code of Civil Procedure for stay of execution the judgment and decree passed in Summary Suit No.01/2015 on dated 15.11.2016. It is contended that the judgment passed in Summary Suit No.1/2015 is Ex-parte judgment. The application under Order IX Rule 13 of the Code of Civil Procedure is pending for setting aside the Ex-parte decree passed against the judgment debtor. The delay caused for filing such application is already condoned. The Civ.M.A.No.46/2025 is filed for setting aside Ex-parte decree by the judgment debtor. The same is pending before this court. The same is posted for hearing on tomorrow. Finally, judgment debtor requested for grant of the application. Per contra, decree holder resisted the application by filing reply overleaf. According to the decree holder, the present application is not legal. The present Darkhast is filed for recovery of the amount as per the judgment passed by the court in Summary Suit No.1/2015. Similar application is also filed in the application for setting aside Ex-parte decree. Finally, the decree holder requested for rejection of the application. Heard Both the sides.

2. After hearing rival submissions of the parties, I have gone through the record and proceeding of the matter. The present Darkhast petition is filed for execution of the judgment and decree passed in Summary Suit No.1/2015 decided on 15.11.2016. It is not in dispute that the application for setting aside Ex-parte decree is pending before this court. Both the counsel orally submitted that the said application is pending for evidence of the applicant. Therefore, sufficient cause is shown by the judgment debtor in the present application. Therefore, it is fit case to stay the execution of the judgment and decree passed in Summary Suit No.1/2015 on 15.11.2016 for certain period. By way of present application, the decree holder requested for stay of the execution till final decision of the application for setting aside Ex-parte decree. I am of view that such blanket order can not be passed. Therefore, the concerned decree needs to be stayed for limited/reasonable period. Hence, the order.

### **ORDER**

1. The application is partly allowed as observed above.
2. The present execution petition is stayed for the period of two months from today as per Order XXI Rule 26 of the Code of Civil Procedure.

Date :- 14.07.2026

**(Bhagawat T. Zirape)**  
Civil Judge Senior Division,  
Mahad.