

(CNR No.:-MHSN02001838-2019)
ORDER BELOW EXHIBIT 25 IN SPECIAL
DARKHAST No.30/2019
(Order dated 02/03/2020)

The decree holder has filed this application under Order 21 Rule 43 and 46 of Civil procedure Code.

2. The present execution petition is filed in view of judgment and decree passed by Hon'ble District Judge-1 Sangli, in view of judgment and decree passed in R.C.A.No.377/2016. Decree holder has right to recover compound interest as described in Exh.1. According to J.D. they have preferred appeal but decree holder has filed caveat and he has not received notice of appeal. There is no stay order of Hon'ble High Court therefore decree holder has prayed to attach bank accounts as mentioned in application of J.D.

3. J.D. have filed their say below the application and raised objection. According to them an application at Exh.18 filed by decree holder is already rejected. Therefore decree holder has no right to ask same relief again.

4. I have heard learned counsel of J.D. and D.H. in person at length. I have gone through the

proceeding and order at Exh.18.

5. D.H. has filed an application at Exh.18 to attach bank accounts of J.D. and further for direction to deposit decretal amount in court. The application is rejected by observing that J.D. has raised bonafide dispute regarding compound interest by preferring appeal in Hon'ble High Court. It is further observed that Second Appeal listed for argument on admission. Therefore with intention to grant some time to proceed with second appeal the application was rejected. The order passed on 28.01.2020. After laps of one month J.D. has not produced stay of Apex Court.

6. No doubt J.D. has filed second appeal. Thus it has not been admitted yet. Moreover there is no stay order to stay the execution proceeding. Admittedly in view of judgment and decree in R.C.S.No.41/2009 J.D. deposited an amount of Rs.26,00,000/-. However in view of judgment and decree passed in R.C.A. No.32/2018 the decree holder has requested to recover the decretal amount. Despite sufficient time there is no order to stay the execution proceeding.

7. Mere preferring of appeal does not operate as stay on the decree and execution proceeding filed thereon.

8. So far as bank accounts are concerned decree holder has described bank accounts as current bank accounts of J.D. J.D. have not denied that the bank accounts described in application are not belong to them. Decree holder is entitled to recover due decreetal amount in view of judgment and decree passed in R.C.A.32/2018. Therefore to meet the ends of justice and in view of Order 21 Rule 46(1C)(iii), I proceed to pass the following order.

ORDER

1. State Bank of India branch Ganpati Temple Sangli bank Account No. 11230240314 of Urban and Rural Division, Current Account No.11230240325 of M.J.P. Rural and Urban Division, Account No.98258004718 of INLAND BG ISSUED are hereby attached for 1 month.
2. J.D. is directed to pay decreetal amount on or before 03.04.2020.
3. Issue letter accordingly.

Sangli. (Manisha N. Chavan)
Date: 02/03/2020. VIIth Joint Civil Judge Senior Division,
Sangli.

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

Name of the Stenographer	:	S. W. Pathan.
Court	:	7 th Jt.C.J.S.D. &Addl. C.J.M., Sangli.
Judgment/Order declared on	:	02.03.2020
Judgment/Order signed by the Presiding Officer on	:	05.03.2020
Judgment/Order uploaded on	:	05.03.2020