

**COMMON ORDER BELOW EXH.26 AND 28 IN Spl.Dar
NO.30/2019**

An application at Exh.26 is filed by decree holder for attachment of bank accounts of J.D. An application at Exh.28 is filed by J.D. for staying the execution petition till next order.

2. It is the contention of the decree holder that despite of order at Exh.25 no recovery of interest amount has been made. According to him, due to delay he as well as J.D. has caused loss. Therefore he has prayed to attach bank account of J.D. in view of order below Exh.25.

3. On the other hand J.D. at Exh.28 has contended that decree holder has wrongly mentioned calculations of due amount. Moreover J.D. has paid original decree amount to decree holder. J.D. has preferred Second Appeal against judgment and decree of First Appellate Court and matter is pending before Hon'ble High Court. However, due to Covid-19 pandemic the matter has not been posted for hearing therefore decree holder has prayed to stay the petition till next order.

4. I have heard decree holder at length. I have also heard advocate Smt. Pendse appearing for J.D. through google meet.

5. I have carefully gone through the proceeding judgment and decree of the First Appellate Court and documents on record. It reveals that J.D. has paid an amount of Rs.26,00,000/- in view of judgment and decree passed in

Spl. Civil Suit No.140/2009. The present execution petition is filed for recovery of compound interest allowed in R.C.A.No.32/2018. However J.D. has preferred Second Appeal against judgment and order passed in R.C.A.No.32/2018. It further reveals that the bank accounts of J.D. have been attached for one month in view of order at Exh.25 and thereby also directed the J.D. to deposit remaining due amount. The order at Exh.25 passed on 02.03.2020. Thereafter within 18 to 20 days nation wide lock-down started on account of explosion of Covid-19 pandemic. In view of directions of Hon'ble High Court, the Courts were allowed to deal with only emergency matters. The execution petition has not come under the head of emergency matter. At present the world wide pandemic Covid-19 has not been over. Admittedly J.D. is public entity. Admittedly J.D. has preferred appeal against First Appellate order. It is also admitted position that only emergency matters are taken up for hearing before Hon'ble High Court. There is no delay on account of delay tactics laid by J.D or non execution of order of the Court. Moreover, there is no undue delay due to implementation of procedure contemplated under Civil Procedure Code. Despite that decree holder has commented that due to delay by the Court, he caused damages. It shows that decree holder is tried to pressurize the Court.

6. It reveals from the record that decree holder is not remediless. Already he has received original decree amount. Moreover in view of execution petition necessary steps has been taken against J.D. Moreover order regarding attachment of bank account had also been made, but due to wake up of pandemic of Covid-19 and nation wide lock-down the matter was adjourned. At present the situation of Covid-19 has not

been over. The regular working regarding all matters has not been started in the Courts. J.D. has also no earlier opportunity to take up the matter for stay of execution petition in Second Appeal before Hon'ble High Court. In such circumstances J.D. cannot be pushed to comply the judgment and decree passed in First R.C.A.No.32/2018, which is challenged in Second Appeal. Therefore it would be proper to adjourned the matter for three months. Consequently I proceed to pass following order.

ORDER

1. An application at Exh.26 and 28 are filed and matter is adjourned till next three months.
2. Parties to note.

Sangli.

Date: 21/09/2020

(Manisha N. Chavan)

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	:	21.09.2020
Judgment/Order signed by the Presiding Officer on	:	21.09.2020
Judgment/Order uploaded on	:	22.09.2020