

MHSN050024802017



Order below Exh.34 in
Spl. Dar. No.9/2017
(Dt. October 8, 2025)

1. The present application has been filed by the Decree Holder seeking for issuing warrant for attachment of movables against the Judgment Debtor. In this application, the original amount due and payable to the Decree Holder is cited together with amount deposited by the Judgment Debtor. Further, the amount of Rs.78,611/- is claimed to be due seeking for the said warrant.

2. This application is replied at Exh.35 by the Ld. A.G.P. The application is opposed. It is contended that the present execution proceeding was filed claiming the recovery of Rs.5,75,602/-. Along with Exh.16, the Judgment Debtor accounted for the amount deposited. It is claimed that the entire amount payable has been deposited before the Court. The Decree Holder recorded the different terms at Exh.34 contrary to the original execution petition. The application is not disclosing the proper account. Therefore, the application is not maintainable being illegal.

3. Heard the Ld. Advocate for the Decree Holder. The Ld. A.G.P. is not available for argument. Therefore, the reply recorded

by him is read as his argument.

5. Considered the record before the Court.

6. The present application is filed for issuing warrant of attachment of movables. The application is opposed contending the deposition of the entire amount payable to the Decree Holder. It is also contended that along with Exh.16 the account has been duly rendered. Therefore, issue regarding the actual amount payable and paid is before the Court. Therefore, the assistance of Nazir should be resorted to. Ergo, the order follows in the interest of justice as..

<u>ORDER</u>	
01.	The Nazir of Civil Court Senior Division, Islampur is directed to report about; i) The amount claimed in the execution proceeding; ii) The amount deposited by Judgment Debtors, and; iii) The amount withdrawn by the Decree Holder, and; iv) The amount, if any to be deposited towards satisfaction of the decree;
02.	The Nazir to comply positively till 29/10/2025;
03.	Order be noted;
04.	Issue writ accordingly.
(Dictated and pronounced in open Court.)	

Dt. October 8, 2025
(Maneesh Nanabhau Phatangare)
Civil Judge Senior Division, Islampur