

Order below Exh.58 in R.D. 85/2011
CNR-MHSNO-6001687-2011
(Tanaji Ingle Vs.Sangli Miraj Kupwad Corporations and Ors.)

In present matter Ld. Advocate for decree holder submits that, Judgment Debtor has furnished undertaking before honble' High Court in W.P. 2011. But till today on said area/road there is a encroachment. J.D. has a knowledge about said fact then also as per undertaking and order passed by hon'ble High Court till today there is no execution of decree. So he prayed to issue arrest warrant against J.D. i.e. Commissioner and Deputy Commissioner of Sangli Miraj Kupwad Mahanagarपालिका.

02. Perused application and record in the light of argument. It appears that in W.P. On 20.10.2011 Honble High court has passed order and issued direction to Trial Court. As per said direction this court has issued show-cause notice to J.D. on 02.02.2017. As per said notice J.D. appears filed his say along with documents. In documents he has filed photos and C.D. regarding suit area vide Exh. 53 and 54. J.D. filed application vide Exh. 53 and requested to court that they have satisfied decree so it will adjudicated accordingly. D.H. has filed his say vide Exh. 57 so application vide Exh. 53 remain pending for argument. But D.H. has filed present application and submitted that J.D. has failed to comply/execute decree. He has committed disobedience. But after perusal of record and document filed

vide Exh. 54, before passing any order on Exh. 58 it will be justifiable to hear other side. Due to Covid-19 period since 2019 present file remain un-attended. So it will be justifiable to issue show-cause notice against J.D. i.e. Commissioner and Deputy Commissioner of Municipal Corporation.

ORDER

Issue notice to J.D. why arrest warrant have not be issued against them.

Miraj
dt.29.08.2023

(Smt. M. S. Managuli)
Judicial Magistrate First class,
Miraj.

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 :- Smt. S. P. Patil

Name of Court :- Smt. M. S. Managuli,
3rd Jt. C.J.J.D. and J.M.F.C., Miraj,
Dist.Sangli.

Judgment signed by the : 29/08/2023

presiding officer on : 29/08/2023

Judgment uploaded on : 29 /08/2023.