

**Order below Ex.85 in RD 27/2012
Rajeshri Vs Ashok & Ors.**

The application is for issuing arrest/detention.

2 Perused the application, the application, say, and the record.

3 Ld advocate for the JD1A present however absent when called out for hearing.

4 The JD1A has not informed the status of the Civil Miscellaneous application (delay application) in preferring an appeal against the judgment and decree passed by the Ld. Predecessor in the suit bearing Spl.C.S. 263/2000 dated 05/04/2007 to date, the decree of which has been put to execution.

5 Heard Ld. advocate Shri.M.N.Kore for the DH. The application proceeds without argument of the JDs.

6 As a matter of fact and record, the execution is of 2012. JD 1 has deposited Rs.1,50,000/- (Rs.One Lakh Fifty Thousand) on 04/09/2025 only after frantic efforts to get the decree executed.

7 As a matter of fact and record, the JD has filed undertaking on 07/04/2024 pursuant to the order of this Court below Exh.80. The matter has been suitably adjourned to 20/04/2026, 22/04/2026, 06/05/2026, 08/05/2026, 17/06/2026 and the instant day. JD1 is neither present nor shown his bonafides to deposit or make part payment. The decree is of 2012. The DH has received petty amount after almost a period of 14 years. The DH has filed a pursis the instant day intimating that there is no stay to the execution proceedings.

8 It is vehemently argued on behalf of the DH that the decree is joint and several and the choice is with the DH to execute the decree all but one JD and the remedy to the several JD or single JD to recover/get reimbursed that amount from the other jointly liable JDs.

9 Their appears no bonafide after 08/04/2026 pursuant to the

undertaking. This Court has allowed sufficient and reasonable time to the JD1A to prosecute and obtain a stay to the instant execution petition, considering the principles of judicial propriety. The DH is waiting the fruits of the decree for more than a decade. From the nature of the decree, the same is joint and several liability and therefore, I see no reason to wait further for the JD 1A, when the DH intends to proceed against JD 1A. Hence, the following **ORDER**

The application is allowed.

2 Issue civil prison arrest warrant against JD 1A Deepak Ashok Hiremath on depositing the substitute allowance, if not deposited earlier.

Place :- Jath
Date :- 01/07/2026

(Sanjay P. Bunde)
Jt Civil Judge Junior Division,
Jath