

Order below Exh.1 FD 2/2019
Madhukar Vs Narayan
(CNR-MHSN080013922019)

This is a final decree proceedings.

2 The J.Ds 1 to 3, 7 to 9 filed their say cum objections below Exh.20 on 12/09/2022. The objections have been decided i.e., rejected on vide below Exh.20 on 21/10/2024. One of the J.Ds Akkubai (JD No.9) filed application below Exh.38 on 08/10/2024 praying for stay to the possession warrant allowed below Exh.34 on 08/10/2024. The same was granted as adjournment. The similar applications were below Exh.43 along with a letter showing that a request to the legal services authority of Hon'ble High Court Bombay has been filed on 09/10/2024. The matter was adjourned to 19/11/2024. On 19/11/2024 J.D 7 and 9 moved adjournment application below Exh.45. The possession warrant was stayed till next date.

3 Heard, Ld. Shri Shivshankar for the decree holder. The L.d Adv Shri. Hadimani submitted that the defendants J.Ds have not contacted.

4 The decree holder has filed an affidavit stating that on verifying official website of Hon'ble High Court no proceedings is pending or filed by the J.Ds or J.D 7/9 and he has not received any notice or intimation of stay order. This Court has also personally verified the facts from the official website, to avoid prejudice to the J.Ds. This Court has issued possession warrant below Exh.44 on 21/10/2024 and police protection order and possession warrant below Exh.34 on 08/10/2024. There is nothing to prima-facie suggest that the J.Ds have filed appropriate proceedings before Hon'ble Bombay High Court against the order below Exh.20. Even otherwise, considering the principles of judicial propriety, sufficient opportunities have been granted to be J.Ds, who have not even informed/intimated the status of any petition etc., This is suggestive of the fact that the J.Ds intends to delay the proceedings. The decree holder is awaiting fruits of the decree passed in RCS 194/2015 dated 02/09/2019. Hence, the following

Order

Issue possession warrant as per order below Exh.34 and Exh.44.

- 2 Issue letter to the police authority, accordingly.
- 3 The DH to comply.

Jath
Date:03.12.2024

(Sanjay P.Bunde)
Jt.CJJD, Jath