

Common Order below Exh.28 and 33

The application at Exh.33 is by judgment debtor Nos.25 and 26 reveal that they have already argued on the stay application at Exh.28.

2. Heard learned advocate Shri S.N. Deshpande for the decree holder and perused say filed at Exh.30.

3. The winnowing of the application yields that the judgment debtors Nos.25 and 26 are denying the theory of encroachment. On the contrary, they are claiming encroachment to the extent of 05R land by the decree holder itself.

4. It is contention of the decree holder that an amount of Rs.2,50,196/- has been deposited with the court towards the costs of the standing crop over the land under execution. The record reveals that the possession warrant has already been issued by my learned predecessor vide order dated 05.02.2021, at Exh.13. Thereafter, the executing officer carried out spot panchnama (Exh.20) dated 03.01.2021 and filed detail report (Exh.20).

5. The judgment debtors appeared in the matter after the submission of report at Exh.20.

6. The issue of counter encroachment raised by J.D. Nos.25 and 26 is beyond the scope of the decree under execution. The application do not depicts any genuine or sufficient cause to stay the execution moreso, when the decree holder has already deposited cost of standing crop in the court. The present application carries no merit.

7. While issuing possession warrant at Exh.13, my learned predecessor has already observed that judgment debtors Nos.25 and 26 are deliberately avoiding their presence to delay the execution proceeding. The present applications appears to be an attempt to derail the execution proceeding. In this backdrop and discussion, the applications (Exh.28 and 33) are rejected.

8. Order dictated in open court in presence of learned advocate Shri Deshpande and digitally signed.

Date : 04.01.2023.

[A. R. Yadav.]
Jt. C.J.J.D., Pandharpur.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	:	Rajiv Malkarjun Gogi.
Court	:	Jt. Civil Judge, J.D. Pandharpur.
Date of Order		04.01.2023
Order signed by the presiding officer on		04.01.2023
Order uploaded on		05.01.2023