


MHSO070003392010 	<b><u>ORDER ON EXH. 71 IN R.D.No.27/2010</u></b> <b>(Passed on 16<sup>th</sup> December 2025)</b>
---	--

1. The DH has filed this application seeking police aid for execution of possession warrant issued against JD. It is submitted that to execute possession warrant bailiff and surveyor went to the suit property. However, JD and his relatives resisted the execution of warrant. At Exh.24 DH had given application for seeking police aid to execute possession warrant and it has been allowed. Thus, fresh order for appointment of one male and one female police constable to be appointed for the assistance of bailiff and surveyor has been sought by DH.

2. JD and his Advocate are absent. They failed to file say. Advocate for JD had filed application seeking adjournment vide Exh.73 and 74 on 01.10.2025 and 04.11.2025 respectively. First application was allowed and second is rejected. Even after giving sufficient period of 08 months since filing of application till today, the JD failed to file say. Advocate for JD has given 'no instruction' pursis at Exh.75 stating that JD No. 1 and 2 refused to pay costs imposed by order dated 04.09.2025 vide Exh.32 and 68. They have not given further instructions to Advocate. Filing instruction pursis is merely an intimation to the Court about client's lack of communication. As held by Hon'ble Supreme Court in the case of **Shri Digant Vs. M/s. PDT Trading Company and Others 2025 SCC OnLine SC 2524 dated 18.11.2025**, that filing no instruction pursis

does not automatically discharge the Advocate from his duties nor did it place a new obligation on the Court to issue fresh notice to the party. The vakalatnama remained on record. Therefore, in the present case in view of no instruction pursis vide Exh.75, there is no need to issue fresh notice to JD No. 1 and 2 before passing any coercive order in this case. Previously two times possession warrant has been issued and sent for execution. On the last attempt dated 15.04.2013 vide Exh.14, as per panchnama executed by bailiff and surveyor JD and their relatives have created ruckus at the suit property and obstructed bailiff from executing possession warrant. Therefore, there is no need to freshly inform JD No. 1 and 2 seeking their say. This application is pending for 08 months on the record. On the backdrop of all these facts, the application is proceeded without say of JD.

**3.** Present petition is filed for execution of decree passed wherein the possession of encroached area is directed to be given to DH by JD. Previous attempts of execution of possession warrant have been failed. Considering bailiff report and surveyor report in respect of obstruction caused by JD and their relatives, it is necessary to provide police aid for smooth and effective execution of possession warrant. Considering the conduct of JD since filing of this petition for the last 15 years, there is no other possibility of execution of possession warrant without providing police aid to bailiff. This being final mode for effective execution, following order is passed.

**ORDER**

1. Application (Exh.71) is allowed.
2. Police Inspector of Taluka Police Station, Pandharpur in whose jurisdiction village Shelave, Tal. Pandharpur, Dist. Solapur is situated; is directed to provide one male and one female police constable for the purpose of execution of possession warrant as per Exh.24 and to assist court bailiff in this regard.
3. The said police help shall be provided to the DH for one occasion.
4. DH is directed to pay necessary charges of police aid to the concerned authority.
5. Issue letter accordingly.

**Pandharpur.**  
**Date : 16.12.2025.**

**(Smt. S.S.Raul)**  
**Jt. Civil Judge, Junior Division,**  
**Pandharpur, Dist.- Solapur.**

## Certificate

I affirm that, the contents of this PDF file Order/Judgment are same word to word, as per original Order/Judgment.

Name of Stenographer :- D.S.Landage (L.G.)

Court :- Jt. Civil Court,J.D.,Pandharpur.

Date :- 16.12.2025.

Judgment/Order signed by  
the Presiding Officer :- 16.12.2025.

Judgment/Order uploaded on :- 16.12.2025.