

ORDER BELOW EXH-12 IN SPL.DARKHAST NO.4/2016.

Present application is filed by D.H. for issuing attachment warrant of immovable property of the J.Ds. for recovery of decretal amount.

2. Perused the application and say filed at Exh.14 filed by the J.Ds. Heard both side argument. Perused entire record.

3. It is clear from entire record that, huge amount approximately Rs.6,00,000/- is due from the J.Ds. to the D.H. since 22.11.2010. Entire record make it clear that no efforts are made by the J.Ds. to clear the decretal amount till filing of present execution proceeding. Also, roznama of present execution proceeding reveals that, though the J.Ds are making part payment they are not sufficient to satisfy present decretal amount in near future. Entire record suggest that there is no willingness on the part of J.Ds to clear the decretal amount on priority basis. Considering the fact that the decretal amount is unpaid for last seven years, in my opinion, application under order deserves to be allowed.

4. D.H. has produced detail accounts of amounts due at Exh.23. J.Ds. have not challenged the contents of said accounts which are filed at Exh.23. As per details of accounts produced by D.H. at Exh.23 a sum of Rs.6,11,410-19 Ps. is due as on July, 2017. After deducting Rs.50,000/- paid vide Exh.24, it is clear that still Rs.5,60,000/- approximately is due from the J.Ds.. As discussed above, there is no willingness on the part of the J.Ds. to clear such huge amount in near future. Hence, in my opinion, it will be proper to attach the immovable property bearing CTS No.4208 which is standing in the name of present J.Ds as per property card extract. Therefore, I proceed to pass the following order.

ORDER

1. Application (Exh.12) is allowed as prayed.
2. Issue attachment warrant against immovable property bearing CTS No.4208, within the territory of Barshi Nagar Palika, Taluka Barshi, District Solapur, which is standing in the name of J.Ds., as provided under Order XXI Rule 54 of C.P.C.
3. No order as to costs.

16.9.2017.

(V.U.Misal)
Joint Civil Judge, Sr.Division,
Barshi.

Certificate

I affirm that the contents of this PDF file judgment/order is same word to word as per original.

- (a) Name of Stenographer : M.A. Mulla
- (b) Court : Jt.C.J.S.D. Barshi,
- (c) Judgment/order signed by PO: 16.9.2017
- (d) Judgment/order uploaded on : 19.9.2017