

R.D. No.62/2022.
Padalkar Cloth Store Vs.
Ramesh Bansode.
(CNR No.-MHST05-000583-2022)

ORDER BELOW EXH.24.

1. Present application is filed by D.H. contending that notice under Order 21 Rule 37 of the the Code of Civil Procedure is issued against the J.D. The report of notice is filed on record. It is the contention of the D.H. that, the J.D. is deliberately concealing himself and as such arrest warrant be issued against him. According to the D.H. in the report of notice Exh.23 it is mentioned that, the J.D. does not resides on the given address and has shifted to Solapur as such the notice cannot be served upon him. In this regard it is the contention of the D.H. that the J.D. resides on that address which is mentioned in his vakalatnama and address memo and upon it only notice is issued. As such according to D.H. the J.D. is intentionally concealing himself from service of show cause notice and as such arrest warrant be issued against the J.D. without issuance of notice. Now, as per Order 21 Rule 37 it is mandatory to issue notice before issuing arrest warrant. The said notice is not necessary only when it is satisfactorily proved that the J.D. is like to be absconded or leave the local limits of the jurisdiction of the court. But, in this case the contention of the D.H. is not that the J.D. is absconding but, it is his

contention that, he is staying on the same address only and concealing himself from service of notice. So here no ground made out to waive notice under Order 21 Rule 37 and as such the said notice be reissued upon the J.D.

Date:- 26/10/2023.
Place:-Karad.

(Smt.S.Y.Deshmukh)
2nd Jt. Civil Judge, Sr.Division, Karad.