

ORDER BELOW EXH.24

This is an application filed by decree holder for issuance of possession warrant as per decree against judgment debtor. Read the application, the say of judgment debtor was called upon, but she remained absent and failed to submit her reply when called repeatedly. Therefore, the application taken into consideration without say of judgment debtor.

2] On perusal of the record, it appears that the judgment and decree passed in R.C.S.No.15/2008 (Old RCS No.414/1999) on 26.02.2015. Thereafter, during the pendency of the execution, Court Commissioner Report received. The decree was passed for the partition and separate possession of the house property. The judgment debtor has not preferred any appeal. Therefore, the Judgment and Decree becomes final.

3] Therefore, it is need to be given actual possession of the share declared as per judgment and decree in RCS No.15/2008. Considering the submission made by the ld. Counsel for decree holder, it will just and proper to issue possession warrant. Hence, I passed the following order.

ORDER

- 1] The application is allowed.
- 2] Issue possession warrant against judgment debtor as per Order 21, Rule 35 of the Code of Civil Procedure.

3] The Court Bailiff is directed to put the Decree Holder or her authorized person in possession of the house property as declared in Judgment and Decree and as per the Court Commissioner Report Exh.22.

Place – Seloo
Date – 07.12.2024

(S. W. Shegokar)
Jt. Civil Judge Jr. Dn., Seloo.