



ORDER PASSED BELOW EXH.12 IN SPECIAL DARKHAST NO.5/2021
(CNR No. MHWS02-000182-2021)
(Indubai Khule Vs Baban Akhand)

1. The decree holder has filed this application under Order 21 Rule 43 of the Civil Procedure Code, 1908 (for short 'C.P.C.'), praying that the warrant pertaining to attachment of movables belonging to the judgment debtor be reissued.
2. As the judgment debtor has not filed his say to this application, this application against him proceeded without his say.
3. I have heard Ld. Advocate Mr.K.R.Dhagade for the decree holder at considerable length, and have gone through record. Ld. Advocate Mr.D.Y.Kale for the judgment debtor was absent though called out repeatedly.
4. Upon perusal of the record, it is seen that vide order passed below an application Exh.10, the warrant under Order 21 Rule 43 of the C.P.C. for an amount of Rs.5,57,075/- was issued against the judgment debtor. The report pertaining to the said warrant goes to show that the said warrant was returned unserved as the house of the judgment debtor was closed. Therefore, I am inclined to hold that this application deserves to be allowed. With this, I proceed to pass the following order -

ORDER

1. Application Exh.12 is allowed.
2. Reissue warrant under Order 21 Rule 43 of the C.P.C. for an amount of Rs.5,57,075/- against the judgment debtor.
3. Parties to the execution petition shall take note of this order.

Washim.
Date – 13.12.2022.

(**S.S.Ubale**),
3rd Jt. Civil Judge,S.D.,
Washim.

CERTIFICATE

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

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| Name of Stenographer | : | Pravin P. Sonune, |
| Court & Judge Name | : | <u>S.S.Ubale</u> 3 rd Jt. Civil Judge (S.D.), Washim. |
| Date of order signed by the Presiding Officer on uploaded on | : | 13.12.2022. 13.12.2022. 13.12.2022. |