

MHWS020005552013



ORDER PASSED BELOW EXH.23 IN REG. DAR. NO.104/2013
**(Gayabai Tanaji Katekar Vs. State Of Maharashtra Trough
Collector, Washim.)**

The decree holders have 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 issued.

2. The judgment debtor has filed his say on the overleaf of the application and resisted the application. As per the J.D. concern department is directed to deposit the amount in the Court after verification of the amount as per award. However, it's progress report is not available. On the above grounds J.D. prayed for rejection of application.

3. I have heard learned Adv.P N. Mahale for the decree holder and learned AGP S. N. Kaloo for State at considerable length, and have gone through record.

4. It is seen that the judgment debtor has failed to comply the decree (Award). More than sufficient time has been given to them. Judgment debtor has not given any sufficient reasons, so as to keep the present application in abeyance. Thus, failed to show cause as to why the decree should not be executed. In such situation, Order XXI Rule 23

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(1) provides that the Court shall order the decree to be executed.

5. In view of the above, this Court has granted more than sufficient time to the judgment debtor to comply the decree. However, J.D. neither complied the decree nor given any response. It may be noted that the present darkhast is arising out of award of L.A.C No.131/2009 dated 10/02/2010. In the circumstances, decree holders cannot be asked to wait further. If the Court asks them to wait further, it would be nothing but travesty of justice. They have given the details of the amount in the darkhast (Exh.1). Same appears to be correct and not disputed by J.D. It is not the case of judgment debtor that the Awarded amount has been deposited or the decree (Award) has been stayed. An Award which is not stayed and which is not complied with by the judgment debtor is required to be enforced and executed.

6. Learned Adv.PN.Mahale for the decree holders has submitted process *Parcha* and given the list of movable articles for making attachment. In view of the above, issue attachment warrant under Order XXI Rule 43 against the judgment debtor. With this, I proceed to pass the following order -

ORDER

1. Application Exh.23 is allowed.
2. Issue warrant under Order 21 Rule 43 of the C.P.C. for an amount of Rs.4,24,894/- against the judgment debtor.
3. Parties to the execution petition shall take note of this order.

Date: 01/09/2023.

(G.M. Charankar)
Jt. Civil Judge S.D., Washim

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<u>CERTIFICATE</u>		
I affirm that the contents of this PDF file Order are same word to word, as per original Order.		
1)	Name of Stenographer	:- S.V.Dere. (Stenographer Grade-III)
2)	Name of Court	:- Jt. Civil Judge (S.D.), Washim.
3)	Date of order	:- 01/09/2023
4)	Order signed by the presiding officer on	:- 01/09/2023
5)	Order uploaded on	:- 02/09/2023