

ORDER BELOW EXHIBIT 10 IN R.D. NO. 06/2025

01. This is an application made by decree holder for delivery of possession of plot No. 15, admeasuring 250 sq. ft. mentioned in the decree. But judgment debtor failed to file say.

02. Heard learned advocate for the decree holders. Judgment debtors and their advocate are absent when repeatedly called. Therefore, I could not get an opportunity to hear the argument of J.D.

03. Read the application. Perused record and proceedings. It appears that this is an execution proceeding of decree passed in R.C.S. No. 59/2016. On perusal of the decree, it appears that defendants / J.D. are directed to deliver the vacant possession of the suit property within four months from the date of decree to the decree holders.

04. It is pertinent to note that J. D. did not whisper a single word about delivery of possession of property mentioned in decree. In view of this, provision of Order 21, Rule 35 of C.P.C. is required to be considered. It is specifically contended in the application that, J.D. have not filed appeal against the decree. Though, application below Exh- 09, it is contended by the J.D. that they have preferred appeal bearing No. 16/2024, however, copy of the same is not produced on record. It appears that, there is no stay to the execution granted by the appellate court. Thus, there is no reason to stay the present execution proceeding in the absence of stay order granted by appellate court.

05. Hence, issue possession warrant against J. D. vide Order 21, Rule 35(1) of C.P.C.

06. D.H. are directed to supply necessary documents.

07. Possession warrant be executed, without fail.

Dated :- 21/02/2026

(Subhash D. Tare)
2nd Jt. Civil Judge (Jr. Dn.),
Mangrulpir.

CERTIFICATE

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

Name of Court :- 2nd Jt. Civil Judge (Jr.Dn.) and J.M.F.C.,
Mangrulpir, Dist. Washim.

Presiding Officer :- Subhash D. Tare

Judgment uploaded by :- R. T. Sharma (Junior Clerk)

Date of Judgment :- 21-02-2026

Judgment/Order signed :- 21-02-2026
by the presiding officer
on

Judgment/Order :- 21-02-2026
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