

CNR-MHYA110014772025



ORDER BELOW (Exh.20) In Regular Darkhast.No.09 /2025
Shivaji Mane Vs- Executive Engineer and Ors
(Passed on 25/02/2026)

The present application is filed by Decree Holder for attachment of movable property of JD for the purpose of execution of present Darkhast.

02. Before moving ahead it is necessary to mention here the history of the proceeding.

03. The present execution proceeding is filed for recovery of amount as per judgment and decree passed in **RCS No. 2/2021** by my Ld. Predecessor in *Shivaji Mane Vs- Adhikshak and others.*

04. After institution of regular Darkhast summons to judgment debtors no. 1 to 4 were issued. Said summons are served to the judgment debtors, same is evident by bailiff reports vide **(Exh. 6 to 9)** respectively.

05. After issuance of above summons/notices, judgment debtors did not appear in this proceeding. However, judgment debtor no. 2 Executive Engineer M.S.E.B Pusad had forwarded one letter dated 06.08.2025 which is marked at **(Exh. 13)**. Along with this letter JD No. 2 had filed one demand draft of Rupees 2,65,412/- dated 05.08.2022 bearing its **serial no. 319847**, in the name of Civil Judge Jr. Division. The said DD is filed for the payment to the DH as per the decree stated above.

06. The A.S. of this court filed detailed say at **(Exh. 13)** that, the PLA number is not received to this court by the government. Hence, said demand draft cannot be accepted and deposited in the Court

account. Accordingly letter to the JD No. 2 vide (**Exh. 12**) was issued calling to correct the demand draft in the name of original decree holder **Shivaji Nagorao Mane**.

07. Ld. Advocate Shri. D.M. Surayvanshi for DH is present. Ld Advocate has filed application (**Exh. 10**) to give directions to the JD for correction of Demand draft in the name of decree holder. Ld. Advocate has also filed application (**Exh. 11**) to give the copy of order by hand to him.

08. Considering the above facts ex-parte order was passed against the Judgment Debtors. The JD No.2 was called to correct the DD in the name of Decree Holder and was called to take back the original DD issued in the name of Court.

09. Thereafter, on 10.12.2025 the JD No.2 through his Advocate filed application (**Exh.21**) and thereby prayed to set-aside no say order and sought time. Accordingly application (**Exh.21**) was allowed subject to payment of costs of Rs. 7000/- (Seven Thousand Rupees Only) which was directed to be paid to the DH within 14 days. Thereafter, case was fixed for filing say of Judgment Debtor.

10. The Judgment Debtor thereafter, neither appear nor complied the above order. Hence, the proceeding is impliedly ex-parte and without say against the Judgment Debtor. Today, also the Judgment debtors are absent. None appeared for judgment debtors.

11. Despite of sufficient opportunities given to the Judgment Debtors they have not filed say on (**Exh.20**) and also not filed any document which goes to shows that judgment debtors have preferred any appeal or revision in this case. Nothing is on record which goes to show that, the present Darkhast is stayed by Hon'ble Appellate Courts.

On previous date the DH has filed the pursis (**Exh.23**) and affidavit (**Exh.24**) and thereby by informed to this court that, he has not received any notice of appeal in this case. Moreover, it was stated on oath that, on e-searching the DH has not get any information regarding pendency of appeal in this case.

12. Likewise today, also the DH has filed pursis (**Exh.25**) and affidavit (**Exh.26**) and thereby by informed to this court that, he has not received any notice of appeal in this case. Moreover, it was stated on oath that, on e-searching the DH has not get any information regarding pendency of appeal in this case.

13. The DH is present today. Ld. Advocate for DH is also present. The Judgment Debtors and their Advocate both are absent. The application (**Exh.20**) is pending considerable time. The Hon'ble Supreme Court has given directions to decide the Darkhast on speedy basis. Hence, considering here all circumstances, it is necessary to allow the application filed by DH. Hence, following order.

ORDER

- 1 Application (Exh.20) is **allowed**.
- 2 Issue attachment warrant of the movable property of Judgment Debtors no.1 to 4 for execution of present Darkhast as per list (**Exh.20-A**).

Date : 25/02/2026

(**S.G.Thanedar**)
Judicial Magistrate First Class
(Court No. 02)
Umarkhed

CERTIFICATE

“ I certify that this Order uploaded is a true and correct copy of original signed Order”

Order directly dictated on : 25.02.2026

Order checked and signed on : 25.02.2026

Uploaded by : B.G.Sawate, Stenographer (Gr.III)

Uploaded on : 25.02.2026