

ORDER BELOW EXHIBIT 1

(Passed on 31/07/2025)

Heard the learned Advocate for the decree holder (DH). The record has been perused. It shows that a notice was issued to the Judgment debtor no.2(JD no.2) by court motion, which was not served on the JD no.2. Subsequently, a notice was issued via Registered Post Acknowledgment Due (RPAD). The DH has filed the postal receipt dated 14/07/2025 and the track consignment of the sent notice, vide list Exhibit 16. Moreover, the DH has also filed a supporting affidavit, vide Exhibit 17, stating that the RPAD notice was sent to the address mentioned in the present application.

2) This is an execution proceeding where the presence of the JD no.2 is necessary for the proper adjudication of the matter. Record shows DH has taken proper steps to secure the presence of JD no.2. Service by RPAD is considered due service as per Section 27 of the General Clauses Act, 1897. Even after the service of notice, the JD no.2 failed to appear before this court despite being given sufficient opportunity. Therefore, I pass the following order:

ORDER

1. The execution to proceed ex-parte against the JD no.2.
2. DH is directed to take further steps.

Arni
Date: 31/07/2025

Sd/-
(Smt. Roshni Deepak Chaube)
Jt.Civil Judge Junior Division,
Arni