

Arb. R.D. No. 13/2022
Mannapuram Finance Ltd. .Vrs. Sunil
CNR No. MHAKE20006852022

ORDER BELOW EX.15.

(Passed on 8th October, 2024.)

The application is filed by the decree holder to issue show cause notice to J.D. no.2 under Order 21 Rule 37 of the Code of Civil Procedure. It is contended that the notice under Order 21 Rule 22 of the Code of Civil Procedure served on J.D. No.2. Thereafter, warrant of attachment of movables under order 21 Rule 43 of the Code of Civil Procedure also issued against J.D.No.2. Therefore, it is necessary to issue show cause notice under order 21 Rule 37 of the Code of Civil Procedure against J.D. No.2. Hence, the decree holder prayed accordingly.

2. Heard the Learned Counsels for the decree holder. Perused the record.

3. This is the execution proceeding of arbitral award. It appears that notice of execution under Order 21 Rule 22 of the Code of Civil Procedure served on J.D. no.2 on 08.03.2022 vide Exh.7. Thereafter, the warrant of attachment of movables issued under Order 21 Rule 43 of the Code of Civil Procedure to J.D. No.2 but could not served. Thus, the judgment debtors willfully failed to pay the decretal amount. Hence, in the interest of justice and for the execution of award, the show cause notice under Order 21 Rule 37 of the Code of Civil Procedure as to why they should not be detain in civil prison will have to be issued against them. Hence, the order.

Order

- (1) The application is allowed.
- (2) Issue show cause notice under Order 21 Rule 37 of the Code of Civil Procedure against J.D. No. 2.

Date : 08.10.2024.

(Vinod J. Dongre)
Civil Judge Senior Division,
Akola.

CERTIFICATE

I affirm that, the contents of this PDF are verbatim as per original order.

Name of Stenographer	: S.V. Indane
Court's Name	: Civil Judge, Sr. Dn., Akola.
Date of Order.	: 08.10.2024
Signed by Presiding Officer on	: 08.10.2024
Uploaded on	: 08.10.2024