

WRIT PETITION NO. 8633 OF 2015

VERSUS

Umesh Sidram Dhotre ..RESPONDENT

CORAM : N.W. SAMBRE, J.

DATE : 24th November, 2015

ORAL ORDER :

Heard.

2. Learned Counsel appearing on behalf of the petitioner is in agreement that the order below Exh.21, directing arrest of the judgment debtor, *qua* execution of the decree for restitution of conjugal rights, was uncalled for. Thus, the said orders at pages 40 and 41 of the paper-book, directing arrest and production of the judgment debtor, are hereby set aside.

3. So far as order at page 39 of the paper-book is concerned, whereby, in exercise of powers under Order XXI, Rule 32 of the Code of Civil Procedure, the learned executing court has directed issuance of

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warrant of attachment of movable property, in my opinion, it will be appropriate to give last chance to the petitioner-wife to file reply to Exh.13. The above referred order is passed in view of the undertaking given by the petitioner-wife, that she shall be filing reply to the application Exh.13, within a period of two weeks from today.

4. In view of above, I pass following order :-

The orders at pages 40 and 41 of the paper-book, directing arrest and production of the judgment debtor, are hereby set aside.

The order dated 19th June, 2015, passed below Exh.13, in Regular Darkhast No.58 of 2014, is also set aside.

Learned executing court will be at liberty to decide application Exh.13 afresh, in view of above referred observations.

Writ Petition stands allowed in terms of above directions, with no order as to costs.

(N.W. SAMBRE, J.)

amj