

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4241 OF 2018

**NAMDEO MAHADEO RATHOD
VERSUS
SHYAM BALKRISHNA SELUKAR**

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Advocate for Petitioner : Mr M N Shaikh h/f Kazi S.S.

Advocate for Respondent : Mr S S Kulkarni

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CORAM : N.M. JAMDAR, J.

Dated : November 24, 2018

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ORAL ORDER :-

The petitioner has challenged the order of attachment passed by the learned Civil Judge Junior Division, Ambajogai dated 8.9.2017.

2. Perusal of the record shows that the proceedings initiated by the petitioner are nothing but an abuse of process of law. An application for issuance of arrest warrant was earlier filed by Decree Holder. Petitioner/Judgment debtors were produced on execution of arrest warrant. They were released on personal bond of Rs.7,500/- and bail. Warrant of imprisonment was issued since last 8 to 10 years but

petitioner and others were avoiding service. Learned counsel for respondent points out that in 2009 itself, second appeal has been dismissed and the petitioner and others have also suffered order of imprisonment.

3. Considering this position, the learned Civil Judge has ordered the attachment of the property. Attachment is made one year ago. Writ Petition is filed on 27 September 2016. Matter is not even moved for urgent admission. The abuse was continued even in this Court. No interference in writ jurisdiction of this Court is warranted. Writ Petition is rejected.

(N.M. JAMDAR, J.)

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