



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO. 3130 OF 2023

GIRIDHAR PANDHARINATH KULKARNI

VERSUS

**BABASAHEB BAPURAO PATIL SINCE DEAD THROUGH L.RS. SOJARBAI
BABASAHEB PATIL**

...

Mr. Girish N. Kulkarni (Mardikar) – Advocate for Petitioner

Mr. N.P. Patil Jamalpurkar – Advocate for Respondent Nos.1F-a to 1F-d

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 10.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. The petitioner challenge the order dated 19.01.2023 passed below Exhibit 1 in Regular Darkhast (R.D.) No. 16/2021 by the learned Joint Civil Judge, Junior Division, Latur, whereby the learned Trial Court issued arrest warrant against J.D. No. F-3 for detention in civil prison for ten (10) days. As per the said order the petitioner was directed to deposit an amount of Rs.20,000/- (rupees Twenty Thousand only) before executing the arrest warrant.
3. I have gone through the order passed by the learned Executing Court. It reveals that amount directed to be deposited is extremely high and exorbitant. Though the petitioner had made prayer for attachment of

property, the learned Executing Court proceeded to order detention of J.D. No. F-3 only, when another male J.D. No. F-4 was also a party to the execution proceeding. Admittedly, as per Section 56 of the C.P.C., no woman can be arrested in execution of a money decree. The learned Executing Court has taken a strict approach by directing arrest of J.D. No. F-3.

4. Therefore, I am inclined to allow the present petition thereby setting aside the order passed by the learned Executing Court.

5. In view thereof, the Writ Petition is allowed. The order dated 19.01.2023 passed below Exhibit 1 in Regular Darkhast (R.D.) No.16/2021 by the learned Joint Civil Judge, Junior Division, Latur, is quashed and set aside.

6. The application Exhibit 1 is restored to its original position.

7. The learned Trial Court shall decide the application afresh in accordance with law.

8. The respondents are at liberty to file reply to the said application.

9. All points are kept open.

[SIDDHESHWAR S. THOMBRE]
JUDGE