



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

927 WRIT PETITION NO.4485 OF 2025

Pratap Banduji Jadhav

VERSUS

Chandanbai Sonaji Jogdand And Others

Advocate for Petitioner : Mr. Pravin N Kalani

CORAM : S. G. CHAPALGAONKAR, J.

Dated : February 25, 2026

PER COURT :-

1. Present writ petition takes exception to the order dated 15.2.2025 passed below Exhibit-38 by the learned Civil Judge Senior Division, Parbhani in Special Darkhast No.(WCFA)no.21 of 2023, whereby Arrest Warrant has been issued against petitioner in pursuance to the judgment and award passed in W.C.F.A. No.6 of 2017 in favour of respondents.

2. Petitioner is respondent in W.C.F.A. No.6 of 2017. It was filed by respondent no.1 seeking compensation under section 4 of the Workmen's Compensation Act, 1923 towards death of Suresh Sonaji Jogdand, who died on 3.12.2025, while he was employed at the residence of petitioner through a contractor. W.C.F.A.No.6 of 2017 has been finally adjudicated and petitioner and others are held liable to pay the compensation

of Rs.8,15,400/- with penalty of Rs.4,07,700/- and interest @ 12% p.a. from the date of the accident till its realization. Admittedly, the aforesaid award has attained the finality.

3. Since petitioner failed to comply with the Award, respondent filed an application below Exhibit-38 seeking issuance of arrest warrant against the petitioner under Order 21 Rule 38 of the Civil Procedure Code.

4. Mr. Kalani, learned advocate appearing for the petitioner submits that, issuance of arrest warrant for execution of the decree is extreme step and unless other modes of execution resorted, procedure contemplated under Order 21 Rule 38 could not have been adopted.

5. Perusal of the impugned order shows that although award of compensation is passed on 4.7.2023, till this date, petitioner and others failed to deposit compensation amount. Respondent no.1, who is mother of the deceased has not received any amount till this date. The petitioner is not giving plausible reason showing his inability to pay the amount. The Executing Court observed that J.D. no.2 is an advocate and having sufficient means to satisfy the award, but failed to

deposit amount. In this backdrop, impugned order has been passed.

6. When this Court asked learned advocate appearing for the petitioner to deposit at least part of the amount, on instructions, it is submitted that petitioner is not in a position to deposit the amount, but no reasons are given therefor. In wake of aforesaid legal and factual position, this Court finds no reason to interfere in writ jurisdiction of this Court under Article 227 of the Constitution of India. In result, writ Petition stands **rejected**.

(S. G. CHAPALGAONKAR, J.)

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