

23.10.2020

Perused the I.A.No.I. On being satisfied with the grounds mentioned in I.A.No.I, the same is allowed. The issuance of notice to the Judgment Debtor is dispensed with.

Perused I.A.No.II. The Decree Holder prays to issue an attachment warrant of the movables mentioned in the Schedule annexed to I.A.No.II. In the Schedule some movables are mentioned without any proper details of each and every such movables sufficient for identification. It is to be noted that as per Rule 116 of the Karnataka Civil Rules of Practice, a list of movable properties is to be furnished by the Decree Holder. Though in the said Rule, it is mentioned that the same is the duty of the attaching officer, the practice is that the Decree Holder has to file such list of movable properties with proper description sufficient for identification etc., as mentioned in the said Rule. After submission of the said list of movable properties, the court has to hear the arguments whether the said movable properties are liable to attachment under Section 60 of the Civil Procedure

Code, and after verification and after applying its mind, has to pass necessary order of attachment of movables. Hence, without complying all these aspects and without complying Rule 116 and 117 of Karnataka Civil Rules of Practice, no such attachment warrant can be issued.

Hence, for compliance of the above-mentioned facts by 12.11.2020.

(Typed to my dictation)

LXXXII ACC & SJ,B'LURU.