

06.01.2026

For Orders

ORDERS ON I.A.NO.II AND III

The learned counsel for Decree Holder filed I.A. No.II and III under Order 21 Rule 64 and 65 of CPC, seeking issuance of sale notice against JDR No.1 and 6.

In the annexed affidavits they have averred that as per the order passed in the dispute No.DRZ/ABN/CFD/34-2020-21 a filed the present execution petition directing the JDR No.1 to 7 to pay the decree amount, but they have failed to pay the decree amount till today without any reasons. Further during the pendency of the above said dispute the property pertains to the JDR No.1 and 6 are attached in pursuance of the

attachment before judgments proceedings. In this regard the certified copy of Order of attachment produced along with the application. On perusal of the same it is noticed to the Court that the properties mentioned in the application pertains to the JDR No.1 i.e., residential open plot, survey No.978/1A, plot No.2 measuring 14.75 annas situated at Kusugal Village, Hubballi. The same is bounds as: East:Road, West:Gopankoppa Boundri, North: Plot No.01 and South: Pathway and block No.978B. And the properties mentioned in the application pertains to the JDR No.6 i.e., CTS bearing No.944, CTS No.1052 and CTS No.944 flat No.F-3, Padma Plaza, Opposit Walvekar Galli, Hubballi measuring 870 sq. ft. superbuiltiop area, first floor. The same is bounded as: East: CTS No.1051 and 1049, West: CTS No.1053 and 943, North: CTS No.949/2 and South: CTS No.1052 are already attached before judgment in the above stated dispute. Along with this the copy of documents also furnished by the DHR. Moreover, there is no objection on behalf of JDR No.1 and 6 as they placed absent even though the notice issued by this Court. Therefore, there is no impediment

upon the court to issue sale notice against the JDR No.1 and 6 in order to implementation of the decree. Hence, this Court is of the opinion that the IA No.2 and 3 filed by the DHR are deserves to be allowed. Hence, I proceed to pass the following:

ORDER

The I.A.No.II and III filed by the Dhr under Order 21 Rule 64 and 65 of CPC is hereby allowed.

Consequently, issue sale notice to the JDR No.1 and 6 independently in respect of their attached properties if P.F. paid.

Call on 17.01.2026.

sd/-

*I Addl. Senior Civil Judge and JMFC.,
Hubballi.*