

Darkhast/ 1155 / 2019
Aba Vithoba Parekar Vs. Land Acquisition Officer No. 17 and others
ORDER BELOW EXH.11

Perused the application (exh.11) and the documents on record. Heard the learned Advocate on behalf of decree holder. It is submitted that the Land Reference No. 102/2011 was decided on 29-10-2018. Thereafter, the judgment debtor has not deposited the compensation amount till today. Thus, the decree holder has requested that the property as per column no. 10 in the application may be attached by issuing attachment warrant.

2] My Ld. Predecessor has called the say of the other side. The judgment debtor no. 2 has filed say vide exh.13 and strongly opposed the application.

3] Perused the record. It reveals that as the judgment debtors have not deposited the decretal amount in the Court, the decree holder has to cause enormous hardship. It reveals that already sufficient opportunities had been granted to the judgment debtor to satisfy the decree by depositing the decretal amount in the Court, but judgment debtors waived those opportunities. It appears that the say of the judgment debtor no. 2 is not satisfactory. Hence, considering the above aspects, in the interest of justice, I pass the following order.

ORDER

- 1] Attachment warrant be issued against judgment debtor nos. 1 to 3 for the attachment of the movable properties (as mentioned in column no. 10 of the Darkhast) as per provisions under Order XXI Rule 43 of CPC.
- 2] The Bailiff is hereby directed to submit detailed report to this Court.
- 3] Both the parties to take note.

Pune.
Dt. 10-04-2023.

(H. J. Shende)
3rd Addl. Judge,
Small Cause Court & CJSD, Pune.

CERTIFICATE

I affirm that the contents of this PDF file are same word to word as per original order/judgment.

Name of steno	:	H.L.Kenge
Name of Court	:	Shri. H. J. Shende, III Addl. Judge, Small Causes Court & CJSD, Pune.
Date of Order(Dictation)	:	10-04-2023
Order/Judgment signed by PO on	:	10-04-2023
Order/Judgment uploaded on	:	10-04-2023