

Before Member, Motor Accident Claims Tribunal, Dhule.

(Presided over by Mr.D.M.Aher)

Application Exh.17

In

M.A.C.P.Darkhast No.32/2024.

(CNR No.MHDH010026442024)

(Vaishali Wagh V/s. Kautik Gavale)

ORDER

The award holders have prayed to attach and sale the judgment debtor No.2's undivided interest in immovable properties bearing field Block No.36/1/1 and 146/1, situate within the limits of village Bhamer, Tq.Sakri, Dist.Dhule.

2. It is clear that the award holders had filed a petition bearing M.A.C.P.No.84/2014 for compensation on account of death of Gorakh Wagh in a motor vehicular accident. The claim petition was decreed for Rs.8,76,400/- with interest at the rate of 8% per anum. It is stated that as on today the judgment debtors are liable to pay the amount of Rs.16,26,400/- to the award holders. However, they are avoiding to pay the due amount. Hence, this application to attach and sale the immovable property of J.D.No.2.

3. I have perused the record. It is clear that despite the decree of claim petition, judgment debtors have not paid compensation amount. The judgment debtor is duly served with the notice Exh.9. However, he did not appear in the execution application.

4. The award is passed by the Motor Accident Claim Tribunal. It is well settled that the Tribunal can invoke the provisions of C.P.C. to execute the award passed by the Tribunal. The application is supported by the application. I am satisfied that the judgment debtor owes more than Rs.16,00,000/- to the award holders. The copy of 7/12 extract filed with list Exh.16/1 and 16/2 shows that judgment debtor No.2 has undivided interest in the field block No.36/1/1 and 146/1, situate within the limits of village Bhamer, Tq.Sakri, Dist.Dhule. I am satisfied that the judgment debtor has salable interest in the said properties. The said properties seems to be not earlier attached by any other authority. The said properties also seem to be attachable. In view of this, I find no impediment to attach the undivided interest of judgment debtor No.2 in the said properties. Hence, the order.

5. The application Exh.17 is allowed.

(a) The undivided interest of judgment debtor No.2 Dungal Bapu Mali in the agricultural land field block No.36/1/1 and 146/1, situate within the limits of village Bhamer, Tq.Sakri, Dist.Dhule, is hereby attached vide Order – 21 Rule – 54 of C.P.C..

(b) The judgment debtor No.2 is prohibited from transferring or charging his undivided interest in the said properties in any way and all persons from taking any benefit from such transfer or charge.

(c) The notice be issued to the judgment debtor No.2 for the settlement of the terms of the proclamation of sale of the said properties.

(d) This order be proclaimed at the said properties by beat of drum or other customary mode and the copy of order shall be affixed on the conspicuous part of the property, at the office of Grampanchayat Bhamer, on the conspicuous part of the court house and in the office of Collector, Dhule.

(e) Put up on the next date for further order regarding sale of the undivided interest of the judgment debtor No.2 in the said properties by public auction, if in the meantime due amount is not recovered.

(f) Inform the all concern accordingly.

Date : 06.08.2025.

(D.M.Aher)
Member,
Motor Accident Claims Tribunal,
(Court No.5),Dhule.

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CERTIFICATE

I certify that the contents of this P.D.F. File are word to word as per Original Judgment/Order.

Name of the Stenographer : J.S.Jain.
Name of the Court : Court of District Judge-5,Dhule
Order directly typed on dias computer. : 06.08.2025.
Order checked and signed by : 06.08.2025.
Presiding Officer
P.D.F. Uploading Date : 06.08.2025.

Sd/- xxx

Stenographer(Grade-I)