

A.R.D.No.1222/2023 Shriram Vs. M/s Randive Farm and Ors.
Order below Exh.14(Passed on the 15.4.2024)

The application is filed by the decree holder(for short 'D.H.') for issue attachment of judgment debtor(for short 'J.D.') No.3's property mentioned in 7/12 extract i.e. Survey Nos.349/A2/354/B/358/B/353/B/359/B/355/K/356/B, Plot No.74 area 300 sq.mr.(with construction) situated at *mauje* Chalisgaon, Dist. Jalgaon(for short '**the attaced property/plot**') more particularly described in the application. It is supported by 7/12 extract in the name of J.D.No.3 and others filed vide list(List of document Exh.18) for recovery of the decretal amount along with interest after its sale. It is contended that the *darkhast* is filed for recovery of Rs.21,85,292 with interest @ 18% per annum from all J.D. Nos.1 to 4. J.D.3 is the owner of the attached property/plot as stated above because J.Ds. have not made any payment of the award despite making several efforts. But they have no intention to pay it to the D.H. hence it be attached.

2. No say filed by J.Ds. despite giving opporutnity hence placed for order. Heard the learned counsel for the D.H. who argued as per the application. The record reveals that J.D.3 has not made full payment to the D.H. in satisfaction of the decree. The D.H. is entitled to get fruits of the decree. There is nothing on record as to whether J.Ds. have challenged the decree and there is no stay from any superior Court hence the decree needs to be executed. The D.H. also filed copy of the 7/12 extract of the attached property/plot owned by J.D.3. No objection raised by J.D.3 and she and other J.Ds. Have not satisfied the decree.

3. In view of the above, it is necessary to attach the said immovable property of J.D.3 prohibiting her from transferring or charging the property in any way and all persons from taking any benefit from such transfer or charge as per Order 21 Rule 54(1) of the C.P.C.

4. J.Ds. are directed to attend the Court and take notice of the date fixed for sitting the terms of the proclamation of the sale as per Order 21 Rule 54(1-A) of the C.P.C. The D.H. is also directed to comply with provisions of Order 21 Rule 54(2) of the C.P.C. to proclaim the order at some place on or adjacent to such property by beat of drums or other customary mode and copy of the order shall be affixed on the conspicuous part of the suit property/plot and also Revenue Office of the Government and the Collector office of the District and also in the Nagar Parishad, Chalisgaon where the attached property/plot is situated. In the result, the application deserves to be allowed in the interest of justice so that the D.H. should get fruits of the decree hence, I pass the following order.

ORDER

1. The application (Exh.14) is allowed.
2. Issue attachment warrant of the plot of J.D.3 i.e. *Gat* No.349/A2/354 /B/358/B/353/B/359/B/355/K/356/B, Plot No.74 area 300 sq.mr. situated at *mauje* Chalisgaon, Dist. Jalgaon as per Order 21 Rule 54 of the C.P.C. accordingly.
3. The D.H. to file valuation report of the attached plot/property of J.D.3.
4. The D.H. is directed to take steps as per Order 21 Rule 54 of the C.P.C. accordingly as stated above.

Sd/-

(N. K. Walke)

Date : 15/4/2024

Civil Judge, Senior Divison, Chalisgaon.