

MHKO050027682025



ORDER BELOW EXH.26 IN SUMMARY CIVIL SUIT NO.70/2025
(Ritesh Balulgeed vs. Onkar Bhoi and others)

Heard both the sides. Perused the application, say and relevant documents on record.

2. The learned advocate for the plaintiff submitted that, the plaintiff has filed present suit for recovery of amount. The plaintiff is residing in the locality of defendant. He noticed that, the properties mentioned in the schedule along with application are likely to be sold by the defendant. An amount of Rs.95,67,030/- is outstanding against the defendants. By admitting the claim of plaintiff defendant No.1 and 2 executed three promissory notes dated 23.2.2023 of Rs.25,00,000/- in favour of plaintiff. After repeatedly demand the defendants avoided to pay the outstanding amount to the plaintiff. Therefore, plaintiff has filed present suit. It is necessary to restrain the defendants from creating third party interest in the schedule properties. If, defendants are not restrained then it will cause serious harm to the plaintiff. Hence, plaintiff filed present application for attachment of schedule properties.

3. On the other hand learned advocate for the defendants submitted that, the application is not maintainable. The plaintiff has failed to satisfy that, he is liable for order of temporary injunction and

attachment for before judgment. The amount calculated by plaintiff is arbitrary and be latterly calculated. Payment of Rs.25,00,000/- was made by three post dated cheques by the defendants. It shows that, the defendants are bonafied. The plaintiff failed to prove malafide intend of the defendants. The defendants requires their assets for lawful conduct of his affairs. Mere apprehension is insufficient to pass Order 38 Rule 5 of C.P.C. Therefore, application is liable to be rejected.

4. I have gone through the record. This is the suit for recovery of amount of Rs.95,67,030/-. The plaintiff brought on record the property of defendants mentioned in schedule along with present application. In the present case there is a no record to show that, the defendants have having another properties. The plaintiffs has produced documents along with Exh.35. It shows that, the defendant No.1 is involving in the sale transaction. The documents prima-facie shows apprehension of the plaintiff against the conduct of defendant No.1. Furthermore, he has admitted the claim of plaintiff by issuing three promissory notes of Rs.25,00,000/-. On previous date learned advocate for defendant also submitted that, defendant is not trying to alienate the schedule properties.

5. The claim of plaintiff is for the amount of Rs.95,67,030/-. This is huge amount outstanding against the defendants. In such circumstances, in order to save future interest of the plaintiff, it is necessary to attach the property belonging to the defendants. Hence, I pass following order.

ORDER

1. Application is allowed to the extent of attachment of property and temporary injunction against the defendants.
2. The property bearing Block No.30/ Plot No.2 situated at Shahpur and property bearing Block No. 473/A/1 admeasuring 94.29 Sq. mtr. situated at Mouje Yadrav, Tal.- Shirol, Dist- Kolhapur (more particularly described in annexured with the application) are hereby attached.
3. The defendants are restrained from alienating or disposing of this property belonging to in any manner till further orders of this Court.
4. The plaintiff is hereby directed to communicate this order to the defendants by R.P.A.D. within 7 days from today.

Ichalkaranji.
Date: 17.01.2026.

(G. M. Nadaf)
Civil Judge Senior Division,
Ichalkaranji.