

MHKO050061842023



COMMON ORDER BELOW EXH.79 AND 80 IN
SPECIAL DARKHAST NO.32/2023
(Rukhsar Mujawar vs. A. G. Traders, Kabnur)

Perused the application. Heard learned counsel for the decree holder. No say filed by other side.

02. D.H. has filed present execution petition for recovery of amount of Rs.34,32,000/- plus interest from 10.11.2023 @ 24% p.a. as per judgment and decree passed in Spl.C.S.No. 106/2023. As per the order of court the property belonging to J.D. bearing Grampanchayat No. 1302 situated at Kabnur sold out by public auction. The amount recover from public auction i.e. Rs.10,60,000/- is paid to decree holder. Thereafter, order below Exh.19 is passed and proclamation issued in Daily Mahasatta dated 5.6.2025. For the recovery amount of Rs.24,71,333/- the auction process was carried out by the bailiff. The report of bailiff is along with Exh.56. Record reveals that sale of attached property could not be completed as no one has taken part in the auction bid. Hence, considering the prayer of decree holder it will be just and proper to grant the permission to the decree holder to bid for purchase of attached property. As such, it will be just and proper to impose condition upon the decree holder to deposit the sale proceed in the court in case his bid is

accepted. Hence, I pass the following order :

ORDER

- 1) Applications are allowed.
- 2) Assistant Superintendent is directed to prepare the proclamation of sale of attachment of property.
- 3) 30th January, 2026 is fixed as date of auction of the attached property.
- 4) Decree holder to take note that his right to get set off as per Order XXI Rule 72(2) of the Code of Civil Procedure, 1908.
- 5) If the auction is finalised above the auction amount then the right of decree holder to purchase the said property will stands abandoned automatically.

Ichalkaranji
Date :- 06.12.2025

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