

MHKO050061842023**ORDER BELOW EXH. 19 IN**

**(continued order from Exh.19 earlierly
passed dated 22/06/2024)**

Special Darkhast No.32/2023

Perused entire record. Exh.19 is for putting properties into auction by attachment there to and to pay the amount of auction to the decree holder.

2. Earlierly, already order is passed below Exh.19 dated 22/06/2024 and the auction of one of two properties i.e. village panchayat property No.1302 (three storeay building) situated at Kabnur, Tal.- Hatkanangale, Dist.- Kolhapur was done. The sale proceeds of that are already deposited in the court according to the contention of decree holder.

3. Now the decree holder is pressing for auction of another remaining property i.e. Gat No.860 Plot No.2. Said property was kept pending for order due to objection raised by third party purchaser vide Exh.33. The same has been decided and Exhibit No.33 rejected. Now there is no any impediment to execute the decree in respect of Gat No.860 Plot No.2 property.

4. All the requirements of the auction are complied with. All the notices are issued as per the record. Currently no any objection of anybody. There is no any stay from any superior court according to the decree holder. In the record also I do not

see any stay or appeal against the darkhast. Therefore, execution order can be passed in respect of auction of Gat No.860 Plot No.2. I perused 7/12 extract and property papers produced on record. I see that, the property Gat No.860 Plot No.2 stand in the name of three people including the judgment debtor Ajay Ramesh Gurav. Though the property stand in the name of all three people commonly, the judgment debtor has 1/3rd share in that as per record. Therefore, his share can be auction subject to shares of other two people. Only share of this judgment debtor can be auction. I do not see any impediment to pass the auction order. Hence, I pass the following order

ORDER

1. Assistant Superintendent of this court is directed to fix the date of sale and to prepare proclamation of sale of attached property to the extent of 1/3rd share of the property bearing Gat No.860, Plot No.2 situated at village Kabnur, Tal.- Hatkanangale, Dist.- Kolhapur as per 7/12 extract attached herewith within seven days.
2. The decree holder to comply any document required for the auction to the Assistant Superintendent of this court.
3. Cost in cause.

Date : 02-04-2025.

(B. T. Yengade)
Civil Judge Senior Division,
Ichalkaranji.