

MHKO050064332023



ORDER BELOW EXH.18 IN SUMMARY CIVIL SUIT NO.151/2023
(Vikram Salunkhe vs. Laxmi Khondre)

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.6,00,000/- is outstanding against the defendant. After repeatedly demand the defendant avoided to pay the outstanding amount to the plaintiff. Therefore, plaintiff has filed present suit. It is necessary to restrain the defendant from creating third party interest in the schedule property. If, defendant is 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 defendant 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 plaintiff failed to prove malafide intend of the defendant. The defendant requires his 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.6,00,000/-. The plaintiff brought on record the property of defendant mentioned in schedule along with present application. In the present case there is no record to show that, the defendant has having another property. No any documentary evidence filed by plaintiff for sale out the property. The defendant himself stated that, he will not alienate the suit property by any mode.

5. The claim of plaintiff is for the amount of Rs.6,00,000/-. This is amount outstanding against the defendant. In such circumstances, in order to save future interest of the plaintiff, it is necessary to attach the property belonging to the defendant. No prejudice cause to the defendant as he himself stated that, he will not alienate the suit property. Hence, I pass following order.

ORDER

1. Application is allowed to the extent of attachment of property and temporary injunction against the defendant.
2. The property bearing Block No.47 Plot No.11 situated at Kabnoor admeasuring 140.50 Sq. mtr. (more particularly described in Para 1 of the application) is hereby attached.
3. The defendant is 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 defendant by R.P.A.D. within 7 days from today.

Ichalkaranji.
Date: 07.04.2026.

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