

MHKO110016672018



Reg. Darkhast No. 48 / 2018.
CNR No. MHKO110016672018

Order Below Exh.10.

01. The present application is made by Decree Holder (in short D.H.), under Order XXI, Rule 43 of Code of Civil Procedure (in short C.P.C.) It is further submission of D.H. that, J.D. no.1 and 2, not making the payment of decretal amount to the D.H. Hence, D.H. made the present application to attache the movable property of the J.D.no.2.

02. It is seen from the record that, the present execution petition was filed to execute the decree prepared in Reg. Civil Suit no.51/2012. D.H. also produce on record the certified copy of the judgment and decree vide **Exh.3/1**. On perusing the operative part of the judgment delivered in Reg. Civil Suit no.51/2012, it is seen that, both defendants in that suit i.e. present J.D., of the execution petition directed to pay the decretal amount to the D.H. jointly and severally. It shows that, the present J.D. no.1 and 2 are jointly and severally liable to make the payment of decretal amount to D.H. On perusing bailiff report vide **Exh.5**, dated 29/03/2019, it is seen that, notice was served upon J.D. no.2 in person. However, notice was not served upon the J.D.no.1. Even though notice was served upon J.D. no.2, he did not appear before the Court either in person or through his learned advocate. He did not bring on record any fact to show that, he has paid the decretal amount to D.H. As, J.D. no.1 and 2 are jointly and severally liable to make the payment of decretal amount to D.H. and D.H. produced on record with affidavit the movable property of the J.D. no.2, it is necessary to seize

the same to recover the decretal amount from the J.D. no.2. Hence considering above discussion, I proceed to pass the following order -

ORDER.

1. Application **Exh.10** is allowed
2. Concern bailiff of this Court is hereby directed to attach and seize the following movable property of JD no.2 i.e.
 1. T.V., 2. Refrigerator, 3. Furniture, 4. Steel Cupboard, 5. Electric Fan.
3. Application **Exh.10**, disposed off accordingly.

Date : 12/07/2024.

(L. M. Pathan)
Civil Judge Junior Division,
Peth-Vadgaon.