

**COMMON ORDER BELOW EX. 32 AND 42 IN ARBITRATION**  
**REGULAR DARKHAST NO. 511 OF 2022**

(The Nashik Merchant Cooperative Bank Limited, Nashik vs. M/s.  
Basa Infra Blocks Pvt. Ltd., and others )

Perused the application under Order XXI, Rule 54 of the C. P. C. for attachment of the immovable property gat nos. 22/1 and 22/2 of village Vasali as mentioned in the prayer clause of the application of Bhanudas Jadhav and Sumeet Bhanudas Jadhav. Perused the say filed wherein the applications are strongly objected by the Judgment debtors by stating that the said properties are mortgaged with Canara Bank and the claim is of Canara Bank on it. Decree holder bank wants to grab the property and the application is not legal and proper. Only to harass the judgment debtors, the application is filed. Hence, prayed for dismissal of both the applications.

02] Heard both the parties counsels at length. I have gone through the applications, say, arguments and documents filed on record. I have gone through the annexed affidavits. The J. D. till date have not obeyed the decree. No doubt, on the above agricultural land, first right is of Canara Bank after satisfaction of the claim of the Canara Bank on the above properties for the land remained if any, the second right will be of the decree holder. After satisfaction of the claim of Canara Bank on the above properties mentioned in the prayer clause of both the applications, for remaining amount issue warrant of attachment under Order XXI, Rule 54 of the C. P. C. against J. D. for satisfaction of the decree. It is made clear that these orders will not be any hurdled to the Canara Bank in satisfaction of their loan on the above

properties mentioned in the applications. Accordingly, the applications are allowed.

Date : 25.10.2023

(R. R. Rathi)  
District Judge-6 Nashik