



DARKHAST NO. 2871/2019

MHPU010138902019

Mr. Dilip Shankar Malvadkar.

Vs.

Mr. Vishwanath Eknath Tapkir

ORDER BELOW EXH. 59

1] This is an application on behalf of Decree Holder under Order 21 Rule 64 read with 66 of C.P.C, 1908 with prayer to order the sale of the attached shares mentioned in para 6 of the application through public auction and issue proclamation of sale in accordance with the provisions of law.

2] Application is duly supported by the affidavit of Decree Holder Dilip Shankar Malvadkar below Exh.60.

3] Application is strongly opposed on behalf of Judgment Debtor by filing say below Exh.66. It has denied all adverse allegations made in application.

4] According to it, prior to order of attachment passed below Exh.50 on 18.07.2023, the shares of Dhvani Bulider Pvt. Ltd in the name of J.D. were already transferred by the company. So, Dhvani Builder Pvt. Ltd. does not remain the ownership or the control of J.D. Furthermore it is submitted that, J.D. has prayed to attach the 33.33 % shares of J.D. from Ambika Land Ventures LLP. However, the shares in the Limited Liability Partnership Firm can not be subject matter of attachment as it has no share value in the eyes of law. As such it is submitted that, application is being devoid of merits, it liable to be rejected.

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5] Having heard arguments of both parties and on perusal of record, it appears that, already this Court has attached the shares of J.D. and description of the same is given in schedule mentioned in para no. 6 of this application.

6] Now question comes, whether J.D did not remain ownership or control over it as the question which can only be determined after the process of sale of this attached shares would be started. Therefore, I am of the view that, there is no justification in the objection raised on behalf of J.D. for not allowing the present application.

7] Since the present Execution Petition is of 2019 and still it could not be reached to the stage of sale proclamation or sale of attached properties referred above. Therefore, in order to have better execution of decree/award application needs to be allowed. Hence, following order ;

ORDER

Application is allowed as per prayer clause

‘B’ of Para No. 8 of present application.

Date : 01.03.2024

(Sunil G. Vedpathak)
District Judge-2, Pune.

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C E R T I F I C A T E

I affirm that the contents of this P.D.F. file judgment are same word for word as per original Judgment.

Name of steno	:	Shri. A.E. Deshmukh (Stenographer Grade-III)
Name of the Court	:	Shri. Sunil G. Vedpathak District Judge-2, Pune
Date of Order	:	01.03.2024
Order signed by P.O. on	:	04.03.2024
Order uploaded on	:	13.03.2024