

MHPU010138902019



ORDER BELOW EXH.92 IN
DARKHAST NO.-2871/2019

The application is for attachment of immovable properties mentioned in the schedule of paragraph No.6. The Decree-holder has prayed for attachment of 50% shares which belong to the J.D. The remaining 50% shares respectively belong to his wife from each of the two properties.

2] The J.D. has opposed the application by his say below Exh.95. He has raised *inter alia* four objections as firstly the properties are jointly owned by the J.D. and his wife; secondly, the properties are mortgaged to the Cosmos Co-operative Bank Limited and thirdly the J.D. shall not create any third party interest and fourthly one writ petition challenging the award is pending in the Hon'ble High Court.

3] It is matter of record and even as can be inferred from the pleadings of the parties that the award has not been stayed till today. The D.H. has placed on record the property documents also. The recovery is more than six crores. I find that the objections by the J.D. are baseless. Any undivided property can be attached and even though it is subject to any encumbrance also. Hence, I am

inclined to allow the application and proceed to pass the following order.

ORDER

- 1] The application is allowed in terms of prayer clause (b) and (c) also.
- 2] The attachment shall be by following the provisions of Order 21 Rule 54 of the CPC.
- 3] The judgment-debtor shall appear before the court on 30th August, 2025 for settling the terms of proclamation of sale.
- 4] The attachment warrant shall be issued in Form No.24 of Appendix-E.

(Dictated and pronounced in open court.)

Date : 01/08/2025

(A. L. Tikle)
District Judge-2, Pune.

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 the Court	:	Shri. A. L. Tikle, District Judge-2, Pune
Name of steno	:	S. Y. Shaikh, (Stenographer Grade-I)
Date of Order	:	01.08.2025
Order signed by P.O. on	:	02.08.2025
Order uploaded on	:	02.08.2025