



Order below Exh.251.

The present application is filed for the issuance of the proclamation with regard to the sale of property of the defendant Nos.2 to 6 which is situated at Islampur bearing CTS No.166/3 admeasuring 1Hq.40 R, Po.Kh. 0.01 R. Perused the record. The present darkhast is filed against the Regular Civil Suit Nos.71/2014, 01/2014, 109/2014 with regard to the property bearing CTS No.166 situated at Islampur.

2. After issuing show cause notice the judgment-debtor Nos.2 to 6 filed their say vide Exh.259 and objected the application. It is their contention that in the present matter J.D. No.5 is died on 11.10.2020 and the D.H. had not served notice to the legal heirs of the J.D. No.5. Hence, present application is false and illegal. Without serving of notice to the legal heirs of the J.D. No.5, present application is not tenable. If present application is allowed, then the they will suffer irreparable loss. Hence, it may kindly be rejected.

3. On perusal of record it shows that the decree holder has filed the attachment order vide Exh.207. After perusing the documents filed, it clearly shows that the property is already attached by the order below Exh.207. Therefore, in view of the provision of Order 21 Rule 66 the property which is already attached under Order 21 Rule 54 is ought to be sold due to non-compliance of J.D. Nos.2 to 6. The Legal heirs of J.D. NO.5 are already taken on record by D.H. But, neither they appeared nor filed any say. The present darkhast too old ie., more than 10 years old. However, the overall conduct of J.D.

shows that they are only intending to linger the execution proceeding. The decree-holder has also filed the property extract of the property of judgment-debtor nos.2 to 6 vide Exh.195.

4. Therefore, considering the reasons mentioned and in view of the application filed by the decree-holder, the property of judgment-debtor nos.2 to 6 is liable to be sold. Hence, I proceed to pass the following order.

ORDER

1. The application vide Exh.251 is allowed.
2. Issue proclamation of sale by public auction as per Order 21 Rule 66 of Civil Procedure Code with regard to the suit property i.e. bearing CTS No.166/3 situated at Islampur as prayed, on P.F.

Date – 22.11.2024.
Islampur.

(Pankaja P. Ajgaonkar)
4th Jt. C.J.J.D., Islampur.

- : C E R T I F I C A T E : -		
I affirm that the contents of this Pdf file order is same word as per original order.		
Name of Stenographer	:	Satish N. Pethkar,
Court Name	:	Pankaja P. Ajgaonkar, 4 th Jt. Civil Judge (J.D.) and J.M.F.C., Islampur
Date of decision	:	22.11.2024.
Order signed by P.O. on	:	22.11.2024.
Order uploaded on	:	22.11.2024.