

MHSN050006672014



R.D. No. 61/2014.  
Pratap & ors V/s. Keshav & ors.,

Order below Exh.255.

The present application is filed for the issuance of the proclamation with regard to the sale of property of the judgment-debtor no.7 which is situated at Urun-Islampur bearing CTS No.64 admeasuring 2Hq.40 R, to the extent of share of judgment-debtor no.7 only. 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.64 situated at Islampur.

2. Accordingly, show cause notice issued to the judgment-debtor No.7. But, instead of filing say to the present application, he deposited amount of Rs.30,000/- vide Exh.232 dated 17.02.2020.

3. On perusal of record it shows that the decree holder has filed the attachment order vide Exh.229. After perusing the documents filed, it clearly shows that the property is already attached by the order below Exh.229. 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. No.7. 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 i.e., 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 no.7 vide Exh.210.

4. Therefore, considering the reasons mentioned and in view of the application filed by the decree-holder, the property of judgment-debtor no.7 is liable to be sold. Hence, I proceed to pass the following order.

**ORDER**

1. The application vide Exh.255 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.64 situated at Islampur as prayed, on P.F.
3. It is directed to take note that the J.D. No.7 has already paid the amount of Rs.30,000/- vide Exh.232 dated 17.02.2020 to D.H. Hence, the public auction out be carried out for the remaining amount as prayed.

Date – 22.11.2024.  
Islampur.

(Pankaja P. Ajgaonkar)  
4<sup>th</sup> Jt. C.J.J.D., Islampur.

| - : C E R T I F I C A T E : -                                                         |   |                                                                                           |
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| 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,<br>4 <sup>th</sup> Jt. Civil Judge (J.D.) and<br>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.                                                                               |