

ORDER BELOW EXH.82 IN REGULAR DARKHAST NO. 30/2008

The D.H. has filed the application under Order XXI, Rule 42 of C.P.C for attachment of property of J.D. As per Order XXI, Rule 42 of CPC the property of J.D. can be attached where decree directs an inquiry as to rent, or mesne profits, or an other matter and where due amount has not been ascertained. However, in the present case, decree does not direct inquiry to ascertain due amount. The recoverable amount is already mentioned in present application. Therefore, provisions of Order XXI, Rule 42 are not applicable in the present case. On perusal of record, it appears that charge of maintenance amount is already kept on properties of J.D. Specific provision to realize amount where decree orders payment of money & charges it on immovable property on default of payment is prescribed under Civil Procedure Code. Hence, present application under Order XXI, Rule 42 is not maintainable. Hence, application is rejected.

(P.A.Patil)

Date :03/01/2022

Civil Judge Junior Division, Sangola.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/order:-

- a) Name of the Stenographer : S. P. Parekar
- b) Court : Civil Judge Jr. Division & J. M. F. C, Sangola.
- c) Judgment/Order signed by PO on : 03/01/2022
- d) Judgment/Order uploaded on : 03/01/2022