

Order Below Exh. 61 in Reg. Dkst. NO. 59/12**Parshwanth Nag. Sah. Patsantha****Vs.****Durvash Laddad and ors.**

1. The present application is filed by D.H. under Order 21 Rule 64 of CPC for selling attached property of J.D. As per contents of the application, already the property of J.D. has been attached vide Exh. 42. Even, order of selling two basement shops out of the attached property by public auction has been passed. However, the said public auction could not be completed as no effective price received for those two basement shops. Accordingly, it is prayed by present application to order sell of basement shop no. 3, 4 & 5 out of attached property at Exh. 42 for satisfaction of decree.

2. Despite sufficient opportunity granted the J.D. not filed say.

3. Perused the application. Perused the record. Heard, counsel of D.H. J.D. and his counsel absent when called out. On perusal of record, it becomes clear that already by passing order below Exh. 1 the property of J.D. no. 1 as described in para no. 2 of Exh. 26 and more particularly described in schedule annexed with it has been attached. On perusal of further record it reveals that orders have been passed for sale of attached property but sale could not be completed due to not receiving effective bid. It also reveals that at Exh. 50 D.H. had moved application for sale of residential property no. 1 to 6 as per Exh. 26. The said application also came to be allowed. Considering all this I think it fit and justifiable to pass following order -

Order

The basement shop no. 3, 4 & 5 as attached by passing below Exh. 1 and as more particularly mentioned in Exh. 26 and schedule attached with Exh. 26 or any portion thereof whichever is sufficient to satisfy fully the decree, be sold in public auction and proceeds of such sale or a sufficient portion thereof be paid to D.H. towards decretal amount. Both the parties shall remain present on the next date to draw proclamation of such sale.

Date – 31/07/2019

Place – Karad

(A. P. Kulkarni)
3rd Jt. CJSD, Karad