

MHYA210024722022



ORDER BELOW EXH.32 IN Reg Dkst.No.09/2022
Prakash Bapurao Dhande Vs.Meghashya Mahadeo Thate
and Ors.

- 1) The present application is filed for attachment of immovable property of judgment debtors.
- 2) Perused the application and the record. In spite of providing reasonable opportunity, the judgment-debtors failed to file reply. Heard Ld. Advocate for the decree-holder. He submitted as per the averments of the application.
- 3) The decree-holder contended that, the proceeding is initiated for execution of recovery of money. The judgment-debtors failed to pay the decretal amount without reasonable excuse. Initially, the attachment warrant was issued. However, from the report of said warrant, it appears that, the judgment debtors do not possess attachable property. The judgment debtors are intentionally avoiding the payment. The decree holder wants to attach the immovable property of the judgment debtors i.e. land bearing Gat No.7 admeasuring 1.62 HR situated at village Gadegaon, Tq.Wani, Dist.Yavatmal. Hence, he prayed to allow the application.
- 4) The present proceeding is filed to recover decretal amount of Rs.4,22,219/-. The judgment-debtors appeared before the Court. However, they failed to pay decretal amount. Later on, the attachment warrant was issued against judgment debtors for recovery of movable property. The report of same is filed on

record at Exh.34. It appears that, the judgment debtors do not possess the attachable movable property. Therefore, the present application is filed by the decree holder.

5) The decree holder filed 7/12 of Gat No.7 situated at village Gadegaon, Tq.Wani, Dist.Yavatmal. It appears that, the said immovable property is owned by the judgment debtors. The judgment debtors failed to pay the decretal amount. There is no other source to recover the decretal amount. Till today not a single paise is paid by the judgment debtors. It appears that, the judgment debtors are avoiding to pay the amount. Therefore, for execution of decretal amount, the attachment of above immovable property of judgment-debtors prior to sale is necessary. Hence, considering the above findings, I pass following order.

Order

1. The application is allowed.
2. Judgment debtors are hereby prohibited from transferring or charging the property bearing Gat No.7 admeasuring 1.62 HR situated at village Gadegaon, Tq.Wani, Dist.Yavatmal in any way.
3. Judgment-debtors are directed to attend the Court on 12/02/2026 to settle the terms of Proclamation of sale. For that, due notice be issued to the judgment-debtors.
4. The Collector, Yavatmal is directed to take necessary step to levy the attachment of share of the judgment-debtors in the above mentioned property.
5. The Bailiff is directed to proclaim the attachment by beats of drum and affixing copies of order as provided under Order-

XXI, Rule-54(2) of the Code of Civil Procedure, 1908.

6. Copy of the order be forwarded to the Collector, Yavatmal for necessary compliance.

Date :19/01/2026.

(Shahaji D. Bhosale)
Jt.Civil Judge (Jr.Dn.), Wani.