

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.5431 of 2015

(Amit Tulshiram Naolakhe and another v. M/s Cholamandalam Investment & Finance Company Ltd., Nagpur, through its Deputy Manager, Shri Ambrish A. Khare)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's order

Court's or Judge's orders

Shri S.A. Bramhe, Advocate for Petitioners.

Coram : R.K. Deshpande, J.

Date : 30th September, 2015

The challenge in this petition is to the order dated 5-11-2014 passed below Exhibit 33 by the Executing Court in Regular Darkhast No.58 of 2012 directing attachment and sale of the property, which is on two grounds - (i) that the award sought to be executed was passed at Chennai and, therefore, the execution of the award at Nagpur is not tenable, and (ii) that no clear fifteen days' notice, as contemplated by Order XXI, Rule 68 of the Code of Civil Procedure, has been given.

The property is located at Nagpur. Hence, there cannot be any challenge in respect of the maintainability of the execution of the award on the ground of territorial jurisdiction. So far as another aspect of fifteen days' notice is concerned, the sale in question can take place after expiry of fifteen days from the date of the proclamation issued. The respondent can postpone such sale, if such request is made.

Thus, no interference is called for in the order impugned in this petition. The petition is dismissed.

Judge.

Lanjewar