

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.4577 OF 2016
WITH
WRIT PETITION NO.4302 OF 2016
WITH
WRIT PETITION NO.12675 OF 2016
WITH
WRIT PETITION NO.5328 OF 2016
WITH
WRIT PETITION NO.4285 OF 2016
WITH
WRIT PETITION NO.1565 OF 2017
WITH
WRIT PETITION NO.12675 OF 2016**

Shri Siddanna s/o Appasab Kotyal

...Petitioner

vs.

Alphonso @ Alphonso Maria Das w/o Ripon
Malhotra & Ors.

...Respondents

Mr. I. M. Khairdi for the Petitioner.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 8th November, 2017

P.C.:

. Heard. Rule. Rule is made returnable forthwith.

2. The present Petitioner happens to be the Plaintiff in Regular Civil Suit No.1695/2013. The Petitioner herein had filed an application for attachment of insurance policy issued by Respondent No.2 by which the deceased Ripon Malhotra was insured. The deceased Ripon Malhotra was to pay amount of Rs.4 Lakhs to the present Petitioner. He had also issued a cheque which was dishonoured. Mr. Ripon Malhotra expired on 29/6/2013. The Petitioner had learnt that Respondent No.1 who happens

to be the wife of the deceased Ripon Malhotra was in possession of the insurance policy drawn by Ripon Malhotra. It was therefore prayed that the said policy be attached in order to satisfy the claim of the Plaintiff. The said application was rejected by the learned 7th Joint C.J. S.D. Pune vide impugned judgment and order dated 26/10/2015. Hence, this Writ Petition.

3. The Learned Court has rightly observed that section 60(1) of the Code of Civil Procedure list all the properties which are liable to attachment and sale in execution of decree and that insurance policy cannot be attached. The findings recorded by the learned 7th Joint Civil Judge are justifiable and hence do not call for any interference.

4. Petition stands rejected and the Rule is accordingly discharged.

(SMT. SADHANA S. JADHAV, J.)