

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

**CIVIL APPLICATION NO.2011 OF 2015
IN
CIVIL APPLICATION NO.1464 OF 2014
IN
SECOND APPEAL NO.616 OF 2014**

Sou.Anita Krishnadev Jadhav ... Applicant

Vs.

Shri Krishnadev Kakasaheb Jadhav & Ors. ... Respondents

Mr.P.R. Yadav for the Applicant
Ms.Bhagyashree Upadhyay i/b Khemka & Associates for
Respondent Nos.1, 4 to 6

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: APRIL 25, 2018**

P.C. :

1. Pursuant to the order dated 28.3.2018, respondent No.1, the husband, today produced an affidavit dated 17.4.2018 affirmed before the Commissioner of Oath, Sangli, on a ledger paper identified by one Advocate K.B. Sargar. The respondent / husband is personally present before the Court. There is a stamp of Assistant Superintendent (Judicial) of the Civil Judge, Senior Division, Sangli on the first page of the said affidavit. The learned Counsel for respondent Nos.1, 4 to 6 submits that the husband

has no objection, if his house property, mentioned at serial No.2.3 standing on Survey No.388 of 3 gunthas, at Village Jadhavwadi, Taluka Khanapur, District Sangli, which is owned by the respondent and his brother Rangrao Kaka Jadhav, is attached and auctioned and the sale proceeds are given to the applicant/wife towards the maintainance.

2. The learned Counsel for the applicant has produced extract No.8/32(1) issued by the Gram Panchayat, Jadhavwadi. It shows the house No.95. The names of the respondent alongwith his brother Rangrao are shown in column Nos.5 & 6 as owners and in possession. In column No.7, the description of the property is given. It appears that the property is divided in three parts and also valued accordingly. Thus, the respondent/husband is not the owner or in possession of the entire property but he is possession of a part portion the said property No.95 and, therefore, the respondent/husband has to identify the portion which is owned and occupied by him, and that portion is hereby attached. The described property is an RCC structure having an area of 50.96 sq.mtrs (549 sq.ft.). Its market value is shown as Rs.7,06,306/-. It is hereby attached and the said property is to be auctioned and

whatever sale proceeds or auction money would be received, it is to be paid to the applicant/wife to the satisfaction of the amount to be paid to the wife i.e., Rs.3,34,000/-, which is calculated by this Court by order dated 5.12.2017. The remaining amount to be given to the respondent/husband. This attachment and auction is to be conducted by the Nazir / Superintendent of the District Court, Sangli by submitting a report of the steps taken by him and outcome to the Principal Civil Judge, Senior Division, who is hereby directed to monitor the said auction. The entire process to be completed within four months from today.

3. Civil Application is disposed of accordingly. However, list the matter for compliance, after four months.

(MRIDULA BHATKAR, J.)