

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 424 OF 2019

LAXMI AUTO SPARES, REP. BY ITS
PROP., VIJAYKUMAR KASHINATH PADKE
AND ANR.,

... Petitioners

Versus

BANK OF INDIA, REP. BY ITS POA,
EMANUEL DE JESUS ASSIS DA GLORIA
DA GANA FURTADO AND ANR.,

... Respondents

Mr. Tari Ulhas Kamlakant, Advocate for the Petitioners.

Coram:- C. V. BHADANG, J.

Date:- 3rd May 2019

P.C.

Heard Mr. Tari, the learned Counsel for the petitioners.
Perused record.

2. By this petition, the petitioners who are the judgment debtors 1 and 2 and the principal borrowers, are challenging the order dated 28.03.2019 passed by the Executing Court below exhibit 35. By the impugned order, the Executing Court has directed issuance of warrant of sale under Order 21 Rule 66 of Civil Procedure Code.

3. Mr. Tari, the learned Counsel for the petitioners has raised a solitary contention that the respondent no.2, who is the

guarantor, is not noticed. The learned Executing Court has considered this contention and has rightly refused to accept the same, inasmuch as under the Decree, which is sought to be executed, the petitioners and the respondent no.2 are held to be jointly and severally liable to pay the decretal amount to the first respondent.

4. In such circumstances, the contention, in my considered view, cannot be accepted. The petition is without any merit and is accordingly dismissed.

C. V. BHADANG, J.

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