

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

CIVIL REVISION APPLICATION NO.45 OF 2017

(PRATIK HARDAYAL THANTHARATE & ANR....VS.. SUBHASH SARVANLAL THANTHARATE &
OTH.)

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

Court's or Judge's orders

Shri N.A.Vyawahare, Advocate for Applicants.
Shri P.A.Jibhkate, Advocate for Non-applicants.

CORAM : Z.A.HAQ, J.

DATED : AUGUST 23, 2019.

Heard.

The applicants have challenged the order passed by the trial Court under Order 39 Rule 2-A of the Code of Civil Procedure, directing attachment of their property. The impugned order is dated 22nd September 2016.

At the time of hearing, the learned Advocate for the applicants has pointed out that as per Order 39 Rule 2-A(2) of the Code of Civil Procedure, the attachment, as per the impugned order, cannot continue for more than one year. In view of the restriction imposed by sub-rule (2) of Rule 2-A of Order 39 of the Code of Civil Procedure, it has to be held that the impugned order has already lapsed on completion of one year from 22nd September 2016.

In view of the above, the challenges raised in the Revision Application are not required to be examined.

Hence, the revision application is **disposed**. In the circumstances, the parties to bear their own costs.

At this stage, the learned Advocate for the non-applicants submitted that disobedience of the order passed by the trial Court on 2nd May 2008 continues, and therefore the property of the applicants came to be attached as per the impugned order should be sold as per sub-Rule (2) of Rule 2-A of Order 39 of the Code of Civil Procedure.

Learned Advocate for the applicants is disputing the above submission.

The non-applicants will be at liberty to move appropriate application in the matter before the trial Court.

JUDGE

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