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Arb.Appln.No.69 of 2022
and A.No.6022 of 2019

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A.No.6022 of 2019

M.SUNDAR, J

Read this in conjunction with and in continuation of earlier proceedings made in the previous listings on 22.02.2022 and 08.03.2022, which read as follows:

Proceedings dated 22.02.2022:

'Mr.D.Pradeep Kumar, learned counsel for applicant (Arb.Appln.No.69 of 2022) submits that the captioned application has been taken out with a prayer to raise the attachment as the matter has since been settled.

2. Issued notice to respondents returnable in a fortnight i.e., returnable by 08.03.2022. Private notice permitted. Private notice through all electronic modes of communications (subject to proof being demonstrated) also permitted.

3. List on 08.03.2022.'

Proceedings dated 08.03.2022:

'Adverting to earlier proceedings dated 22.02.2022 learned counsel Mr.D.Pradeep Kumar requests for further time. Request acceded to.

2. List a fortnight hence. List on 22.03.2022.'



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2. Pursuant to the aforementioned earlier proceedings, Affidavit of Service (AOS) filed in this Court vide Diary No.7148 of 2022 has been placed before this Court and names of both the respondents have also been shown in the cause list.

3. Prayer in the captioned application (Arb.Appln.No.69 of 2022) is to raise an order of attachment dated 26.09.2019 made in A.No.6022 of 2019 (attaching immovable property belonging to the respondent). To be noted, the 'Non-Banking Finance Company' ['NBFC'] in whose favour aforementioned attachment order is operating itself has sought to raise the attachment saying that the matter has been settled. This is articulated in paragraph No.4 of the support affidavit which reads as follows:

'4. I state that the Hon'ble Court by order dated 26.09.2019 was pleased to pass an order attaching the immovable property. I state that pursuant to the attachment order passed by this Hon'ble Court the matter got settled.'

*{underlining made by this Court to
supply emphasis and highlight}*

4. The immovable property which is subject matter of attachment (as described in the Schedule of property in the Judge's summons) is as follows:



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'SCHEDULE OF PROPERTY

Lands situated in Mauza-Tentuli Padar, Tahsil-Boudh, Tahsil No.60, Police Station-Boudh, Police Station No.73, District-Boudh, Serial No. of Khatiyani-25/34, Plot No. and Name of the Chakbandi and Area as follows:-

Plot No and Name of Chakbandi (Consolidated Holding) No.	Type of Plot property	Description of Total	Rakba		
			Acre	Decima 1	Hector
3 JAMUKHET	SARAD EEK	N- MOUZA-BASUMPUR S-CANEL ADI	0	050	0.0202
4 JAMUKHET	SARAD JAL EEK KITA/5	N-MOUZA-BASUMPUR S-CANEL ADI	0	500	0.2023
9 DADAR	AAT	N-CANELAADI S-OWN	0	320	0.1295
43 KHALIAAMAAL	SARAD DUE KITA/7	N-OWN S-SUSAN	1	100	0.4452
49 KENDU KHET	SARAD EEK	N-OWN S-OWN	0	540	0.2185
54	GHARBARI	BARI	0	260	0.1052
66 GHARTADA	SARAD EEK	N-OWN S-OWN	0	070	0.0283
70 GAATAL	SARAD EEK	N-OWN S-OWN	0	020	0.0081
84 BIMBHA CHACK	SARAD EK KITA/6	N-OWN S-OWN	0	380	0.1538
85 BIMBHA CHACK	SARAD EK KITA/2	N-OWN S-OWN	0	220	0.089
86 DANDI KHET	SARAD EEK	N-RASTA S-	0	600	0.2428



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Plot No and Name of Chakbandi (Consolidated Holding) No.	Type of Plot property	Description of Total	Rakba		
			Acre	Decima 1	Hector
		OWN			
92 SUNDIMUNDA CAK	SARAD DUE	N-OWN S- SAHEB PRADHAN	0	220	0.089
102 SUNDIMUNDA BANDHTAL	SARAD DUE KITA/2	N-OWN S- OWN	0	090	0.0364
117 BURMAAL	MAAL EEK	N-OWN S- SAHEB PRADHAN	0	080	0.0324
128 TALMUNDACHA K	SARAD DUE KITA/2	N-OWN S- OWN	0	400	0.0161 9
130/693 TALMUNDA CHACK	AAT	N-SUSAN S- OWN	0	020	0.0081
16 PLOTS			4	870	1.9707

Estimated Value Rs.7,50,000/- within SRO Tehsil-BOUDH'

5. In the light of the narrative thus far, the order of attachment dated 26.09.2019 is raised. This will be treated as an order akin to an order under Order XXXVIII Rule 9 of 'the Code of Civil Procedure, 1908' (Central Act V of 1908) [hereinafter 'CPC' for the sake of brevity, convenience and clarity]. In other words, this is an order of removal of attachment owing to settlement.

6. Prayer in the captioned application being acceded to will also mean



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that this order shall be duly communicated to the Jurisdictional Registration Office through the District and Sessions Judge at Boudh, State of Orissa and Jurisdictional Registrational Office ['SRO'] Tehsil-BOUDH, who shall made necessary entries in the Revenue records to ensure that encumbrance/s if any is/are deleted.

7. Captioned Arb Application is ordered in aforesaid manner. There shall be no order as to costs.

22.03.2022

gpa/nsa



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22.03.2022