



Arb Appln.Nos.252, 254 to 256 & 264 to 267 of 2022
& A.Nos.269 to 273, 275 & 276 of 2022

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KRISHNAN RAMASAMY, J.,

These applications have been filed to raise the order of attachment dated 08.09.2016 made in A.Nos.5055, 5046, 5049, 5050, 5054, 5059, 5058, 5047, 5053, 5056, 5057, 5061, 5048, 5062 & 5060 of 2015 respectively, only in respect of the properties morefully described in the schedule to the Judges summons, and a copy of the order raising attachment be communicated to the Sub Registrar, Bhuj, Kutch District as to record the factum of raising the order of attachment in respect of the said properties in his records.

2.Heard, Mr.R.Umashankar, learned counsel for M/s.Sri and Shankar Associates, appearing for the applicant.

3.This Court vide order dated 08.09.2016 passed the attachment order in respect of the properties viz., item Nos.1 to 22 morefully described in the schedule to the judge's summons.



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4. However, now the learned counsel for the applicant would submit that with regard to item Nos.6, 7 and 13 of the schedule mentioned properties which are morefully described in the schedule to the judge's summons in the respective applications are concerned, the said properties were subject to an earlier mortgage in favour of M/s.The Rajkot Nagrik Sahkari Bank Ltd., who are having first charge over the said properties and they have taken steps under SARFAESI Act. The learned counsel further submitted that now the applicant has been intimated that the said properties were bought for auction for realization of the mortgaged loan amount by the Bank. Further, the learned counsel has submitted that they spoke with the Bank, which in turn assured the applicant to pay portion of the sale proceeds to the applicant in respect of the properties and requested the applicant to raise the order of attachment in respect of the said properties.

5. The learned counsel submitted that all the applications are arising out of 17 contracts and hence 17 applications have been filed and now the present applications have been filed to raise the order of



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attachment with regard to item nos.6, 7 and 13 of the schedule to the contract, which are morefully described in the Judges summons. He would also submit that no prejudice or hardship would be caused to the respondents in the event of raising the order of attachment in respect of the said properties. Hence, the learned counsel for the applicants would urge this Court to raise the order of attachment dated 08.09.2016 made in the respective applications in respect of the properties more fully described in the schedule to the judge's summons.

6. Considering the submissions made by the learned counsel for the applicant, this Court feels it appropriate to raise the order of attachment dated 08.09.2016 passed by this Court in respect of item nos.6, 7 & 13 of the properties which are morefully described in the schedule to the Judge's summons in the respective applications.

7. Accordingly, these applications are allowed and the order of attachment dated 08.09.2016 passed by this Court in A.Nos.5055, 5046, 5049, 5050, 5054, 5059, 5058, 5047, 5053, 5056, 5057, 5061, 5048, 5062 & 5060 of 2015 respectively only in respect of item nos.6, 7 & 13



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more fully described in the schedule to the Judge's summons, is hereby raised. The Registry is directed to communicate the order of attachment to the Sub Registrar, Bhuj, Kutch District to enable him to record the factum of raising the order of attachment in respect of the said properties in the relevant records.

8. However, as regards the other properties are concerned, it is made clear that the order of attachment dated 08.09.2016 passed by this Court in A.Nos. A.Nos.5055, 5046, 5049, 5050, 5054, 5059, 5058, 5047, 5053, 5056, 5057, 5061, 5048, 5062 & 5060 of 2015 shall continue.

06.12.2022

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Note to Registry:

Issue order copy on 12.12.2022.

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