

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO.4234 OF 2022**

**NAMDEO PAULAD PATIL  
VERSUS  
M/S SHRIRAM CITY UNION FINANCE LTD. GPA HOLDER  
NAMELYRAKESH K. YEWALE**

...  
Mr. S. S. Bora, Advocate for the Petitioner.  
Mr. V. Y. Bhide, Advocate for Respondent..

...

**CORAM : SHARMILA U. DESHMUKH, J.  
DATED : 09<sup>th</sup> JANUARY, 2023.**

**PER COURT:-**

1. Heard the learned counsel appearing for the petitioner.

2. The petitioner challenges the order dated 01.02.2020 passed in Arbitration Regular Darkhast No.130/2018, whereby the application filed by the decree holder for sale of the scheduled property bearing Shop No.10 admeasuring 15.03 sq. mtrs. in the building knows and styled as Shankar Plaza constructed on Plot no.15 and 16 of Mouza Pimprala, Jalgaon Tal. & Dist. Jalgaon was allowed.

3. Learned counsel appearing for the petitioner submits that the said order settling the terms of proclamation of sale in accordance with the provision of Order XXI Rule 66 of the Code of Civil Procedure is erroneous in as much as in the arbitration award, what was permitted is only the attachment of the property and not the sale of the property.

4. Per contra learned counsel appearing for the respondents submits that in accordance with the provision of Order XXI Rule 64 of the Code of Civil Procedure an order for sale of the property is allowed and the terms of proclamation of sale are required to be settled in accordance with the provisions of the Order XXI Rule 66 of the Code of Civil Procedure.

5. It is not disputed that, the execution proceedings were taken up for recovery of sum of Rs.67,35,889/- alongwith interest on the basis of the arbitration award dated 17.08.2017, which has not been challenged by the petitioner and has attained finality. As such, for execution of the said award, the provision of Order XXI of the Code of Civil Procedure are applicable. A perusal of the provisions of Order XXI Rules 64 to 66 sets out a procedure for execution of the award, which has been followed.

6. As such, there is no merit in the submissions made by the learned counsel appearing for the petitioner. Writ Petition is devoid of merits and is accordingly dismissed.

**(SHARMILA U. DESHMUKH)**  
**JUDGE**