

Andreza

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.2351 OF 2023 (F)

RAJAN RAGHUNATHRAO DESSAI AND 3

ORS

... PETITIONERS

Versus

JOSEPH GRACIANO FELIZARDO BARRETO

AND 3 ORS

... RESPONDENTS

Mr. Shivan Desai, Advocate with Mr. Johanathan George, Advocate
for the Petitioners,

CORAM:- PRAKASH D. NAIK, J.

DATED :- 26th October, 2023

P.C.

Heard.

2. Vide Order dated 22.08.2019, passed by the learned Principal District Judge, South Goa, the application for execution for recovery of the awarded amount was allowed and the warrant of attachment was issued in respect of the shares of the Judgment Debtors in the properties mentioned therein. Pursuant to Order dated 22.08.2019 and as claimed by the Petitioner, after he came to know about the said Order dated 22.08.2019, the Petitioner preferred an application under Order 21 Rule 58 of the Civil Procedure Code raising objection to the attachment. The Petitioner has claimed to be co-owner of the property. The said application has been rejected vide Order dated 11.08.2023

passed by the learned Principal District Judge.

3. Learned Advocate Mr. Desai submitted that in the event and in accordance with the impugned Orders if the Respondents proceed with the sale of the property, Petition would become infructuous.

4. Issue notice to the Respondents, returnable on 05.12.2023.

5. In the meantime, the Trial Court shall not proceed with the sale of the property in furtherance to the attachment.

PRAKASH D. NAIK, J.