

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

WRIT PETITION NO. 449 OF 2023

M/s. Rai Udyog Ltd __ Vs. __ Swastika Yog Bhoot

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

Court's or Judge's orders

Mr.A.A.Choube, Advocate for petitioner
Mr. R.K.Joshi, Advocate for respondent

CORAM : AVINASH G. GHAROTE, J.
DATE : 06/03/2023

1] Heard Mr. Choube, learned counsel for the petitioner and Mr. Joshi, learned counsel for the respondent.

2] The petition challenges the order dated 2.12.2021 (pg.41), whereby the application under Order 38 Rule 5 of CPC has been allowed by the learned Trial Court.

3] Though the impugned order in para 9 records the finding that, *prima facie* the Court is satisfied that the defendant with the intention to obstruct or delay the execution of any decree that may be passed against them, may dispose of all the shops and apartments of "Rai Ashiyana" complex to third person, however, the impugned order does not depict any reasons for arriving at this finding, considering which the impugned order is hereby quashed and set aside and the matter is

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remanded back to the learned Trial Court to hear the respective parties and pass the reasoned order.

4] The petition is allowed in above terms. No costs.

JUDGE

Rvjalit