



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

WRIT PETITION NO.4876 OF 2022

Mr. Jadavlal S/o Mayji Patel .Vs. Mr. Lalit S/o Jasraj Patel

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri L.B. Patel, Advocate for petitioner.

Shri R.P. Ladekar, Advocate for respondent.

CORAM : ANIL S. KILOR, J.

DATED : 03/10/2023

1. The application moved by the petitioner under Order 21, Rule 54 of the Code of Civil Procedure (C.P.C.) for attachment of the immovable property belonging to the Judgment-debtor i.e. the respondent, came to be rejected on the ground that the petitioner Decree-holder has not mentioned the amount which is sought to be recovered and further on the ground that, the appeal filed against the judgment and decree dated 16.07.2014, was pending.

2. It is submitted that, the petitioner inadvertently, did not mention the amount which is sought to be recovered and further, it is informed to the Court that the first appeal came to be decided in favour of the petitioner, recently.

3. In view of the above referred facts, I am of the opinion that, in view of the subsequent event i.e. the dismissal of the first appeal, the petitioner may apply afresh

under Order 21, Rule 54 of the C.P.C., if he so desire, mentioning the amount seeking to recover and pointing out the subsequent event of dismissal of appeal.

4. Accordingly, the writ petition is **disposed of** with liberty to the petitioner to apply afresh in view of the subsequent event of dismissal of first appeal. If such application is moved by the petitioner, the learned executing Court shall decide the same in accordance with law.

JUDGE