



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

911 WRIT PETITION NO. 2009 OF 2023

GOPAL UTTAMRAO GAWLI AND ANOTHER

VERSUS

**SHRIRAM FINANCE LTD THROUGH ITS LEGAL ASSISTANT
MAHESH DILIP SHINDE AND ANOTHER**

...

Ms. Kulkarni (mahajan) Snehal P., Advocate for the Petitioners
Mr. V. Y. Bhide, Advocate for Respondent No.1

WITH

**CIVIL APPLICATION NO. 1612 OF 2025
IN WP/2009/2023**

....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 26.06.2025

PER COURT :-

- . Heard learned Advocates appearing for respective parties.
2. The present writ petition takes exception to order dated 11.01.2023 passed by learned Joint Civil Judge, Senior Division, Latur in RD (Arbitration) No.319 of 2023 below Exhibit 10.
3. Learned Advocate appearing for petitioners submits that in proceeding for execution of award passed by Arbitrator, decree holder filed application below exhibit-10 seeking attachment of petitioner's / judgment debtor's property. Learned Executing Court allowed said application and directed attachment of property, so also issued notice under Order XXI Rule 54(1-A) of Code of Civil Procedure against petitioner to fix terms of proclamation of sale. Similarly, further directions were given in terms Order XXI Rule 54(2).

4. Learned Advocate appearing for petitioners submits that very award has been passed without issuing notice or any opportunity of hearing to petitioner. However, such contentions cannot be gone into once award has been passed under Arbitration Act and it has not been challenged by judgment debtor. The Executing Court has rightly issued directions as to attachment of property after verifying documents placed on record by decree holder.

5. No prejudice is caused to petitioner if trial court has issued further directions in terms of Order XXI Rule 54(1-A) and Order XXI Rule 54(2) of Code of Civil Procedure. Hence, there is no merit in writ petition.

6. Writ petition stands dismissed. In view of disposal of writ petition, pending civil application also stands disposed of.

7. Amount deposited by petitioner be transmitted to Executing Court for passing further orders.

[S. G. CHAPALGAONKAR, J.]

HRJadhav