



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

WRIT PETITION NO. 9745 OF 2025

**Y.E.P.S. MUKTESHWAR POLYTECHNIC COLLEGE THR ITS
SECRETARY RAMDAS G. PAWAR**

VERSUS

PRAKASHCHAND R. JAIN AND OTHERS

...

Mr. Avinash N. Irpatgire, Advocate for the Petitioner

....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 06.08.2025

PER COURT :-

1. The Petitioner impugns orders dated 10.12.2024 & 19.04.2025 passed below Exhibit-13 and Exhibit-15 respectively by learned Civil Judge Senior Division, Latur in Special Darkhast No.10 of 2023.

2. The petitioner is judgment-debtor in Special Darkhast No.10 of 2023. The proceeding in Special Darkhast has been initiated for execution of decree passed in Summary Suit No.12 of 2015 by learned Judge City Civil Court at Mumbai. The decree-holder filed applications below exhibit-12 and exhibit-13 seeking issuance of attachment warrant in respect of suit properties. The learned Executing Court favourably considered applications and issued attachment warrant under Order XXI Rule 54 of Code of Civil Procedure and also issued notice to judgment-debtor for settling the terms of proclamation under Order XXI Rule 54 (1-A) of Code of Civil Procedure.

3. Mr. A. N. Irpatgire, learned Advocate appearing for petitioner

submits that application for setting aside ex-parte decree has been filed by petitioner and same is pending. He fairly concedes that as on date, there is no stay to decree. According to Mr. Irpatgire, there are sufficient movable properties of petitioner which could have been attached, instead of entertaining application for attachment of immovable property.

4. Mr. Irpatgire would submit that petitioner is running educational institution over the property which is sought to be attached and such attachment may cause great inconvenience to petitioner as well as other stakeholders who are dependent on educational institution run by petitioner.

5. Having considered submissions advanced, it can be observed that decree as passed by Competent Court has not been stayed by any higher Court or same Court. Respondent-decree holder has filed application seeking attachment of property of petitioner-judgment debtor. It is not in dispute that said property belongs to judgment-debtor who failed to deposit amount in terms of decree.

6. In that view of the matter, it cannot be said that learned Executing Court has exceeded jurisdiction or failed to exercise jurisdiction in a judicious manner while issuing attachment warrant under Order XXI Rule 54 of Code of Civil Procedure. Since no other ground is canvassed, writ petition sans merit and it is accordingly **rejected**.

[S. G. CHAPALGAONKAR, J.]