

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1440 OF 2025**

K. Maheshwara Rao ..Petitioner

Versus

Nitin Kantilal Shah HUF Through Its Karta & Ors ...Respondents

Mr. Pradeep Dalvi, with Bapusaheb Holambe, i/b Tukaram Shendge,
for the Petitioner.

Mr. Nagendrakumar S. Dubay, for Respondent Nos. 1 to 3.

CORAM: N. J. JAMADAR, J.

DATED : 13th FEBRUARY 2025

P.C.:

1. Heard learned Counsel for the parties.
2. An arguable question as to whether the property of the Petitioner who is a Director of the Judgment Debtor company could have been attached in execution of the decree passed against the company arises for consideration.
3. Issue notice to the Respondent Nos. 1 to 3.
4. Mr. Dubay, learned Counsel waives notice for Respondent Nos. 1 to 3.

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5. The learned Counsel for the Petitioner submits that the auction sale of the property, which has been attached by an Order dated 23rd December 2024, is scheduled on 17th February 2025.

6. That attachment may continue. However, the following properties described at paragraph 4(ii) and (iii) of the application (Exhibit “12”, page 162), be not sold till 27th February 2025:

(ii) Flat No. 12, Plot No. 101, Sector-16,
Dhanalaxmi Chs Ltd, Koperkhairane, Navi
Mumbai – 400 709.

(iii) Viento 701B, Lodha Golf Links
Niljhe, Maharashtra 421 204.

7. Respondent Nos. 1 to 3 are at liberty to file an Affidavit in Reply within a period of one week and serve it's copy on the Petitioner.

8. Stand over to 27th February 2025. To be listed high on board.

[N. J. JAMADAR, J.]