

OFFICE OF THE DISTRICT & SESSIONS JUDGE GYALSHING, DISTRICT.

MEMO NO. 515 /D&SJ(W)

DATED: 07/08/2023

Civil Execution Case No 01/2020

Shri Pawan Kr. Agrawal  
S/O Shri Banarasi Lall Agrawal Vs.  
R/O Jorethang, South Sikkim  
..... Decree Holder

EIILM University  
8<sup>th</sup> mile Budang, Malbasey,  
P.O & P.S Soreng, West Sikkim.  
..... Judgment Debtor

**ORDER ON THE NAZIR FOR CAUSING SERVICE OF PROCLAMATION OF SALE**  
(Order XXI, r. 66 of the Code of Civil Procedure, 1908)

To,

The Nazir,  
.. Court of the District & Sessions Judge,  
.. District Gyalshing, Sikkim.


WHEREAS an order has been made for the sale of the properties of the Judgment Debtor specified in the Schedule hereunder annexed, and whereas the **20<sup>th</sup> day of August, 2023**, has been fixed for the sale of the said properties. Copies of the proclamation of sale are by this warrant made over to you, and you are hereby ordered to have the proclamation announced by loud speaker, publish in the local newspapers, affixing it on the Notice Board of the Court and Bazaar and also to upload the same in the Court website, within each of the properties specified in the said properties, and then to submit to this Court a report showing the dates on which and the manner in which the proclamations have been published.

Dated: 07<sup>th</sup> day of August 2023.

SCHEDULE

Sl. No.	ARTICLES	SALE PRICE	LOCATION & TIME
01.	Toyota Innova Car SK 04P 3176	Rs 3,14,999/-	Court of Civil Judge-cum- Judicial Magistrate, Soreng 9:30 am
02	Mahindra Bolero SK-04P- 1216	Rs 60,000/-	District Administrative Center, Soreng 9:30 am
03.	Swaraj Mazda Bus SK-04B- 0016	Rs 1,69,268/-	Science College, Chakung 12.30p.m
04.	Tata Indica Car SK-04-P-1218	Rs 10,002/-	8 <sup>th</sup> Mile, Budang 3:00 - 5:00 p.m
05.	Workshop tools/equipment	Rs 2,19,000/-	Sikkim Professional University, 8 <sup>th</sup> Mile Budang 3:00 - 5:00 p.m

By Order

  
Peshkar  
Court of the District Judge,  
Gyalshing, West Sikkim.

Peshkar  
Court of the District and Sessions Judge  
District, Gyalshing



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Vs.

EIILM University  
8<sup>th</sup> mile Budang, Malbasey,  
P.O & P.S Soreng, West Sikkim.  
..... Judgment Debtor

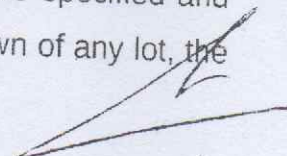
PROCLAMATION OF SALE

(Order XXI, r. 66 of the Code of Civil Procedure, 1908)

Money Suit No. 02 of 2015, decided by the Court of the Ld. District Judge, Gyalshing in which Pawan Kumar Agarwal, Son of Banarasi Lall Agarwal, Resident of Jorethang, PO & PS Jorethang, South Sikkim was Plaintiff and Eastern Institute for Integrated Learning in Management (EILIM) University, having its then institute and Office at 8<sup>th</sup> Mile Budhang, Soreng District, PO & PS Soreng, Sikkim was Defendant. Notice is hereby given that, under Rule 64 of Order XXI of the Code of Civil Procedure, 1908, an order has been passed by this Court for the sale of the attached property mentioned in the annexed Schedule, in satisfaction of the claim of the decree-holder in the Money Suit No.02 of 2015 mentioned in the margin, amounting with costs and interest up to the date of sale to the sum of Rs 1,05,43,700/- (Rupees One Crore Five Lakhs Forty Three Thousand and Seven Hundred) only.

The sale will be by public auction, and the property will be put up for sale in the lots specified in the Schedule. The sale will be of the property of the judgment-debtors above named as mentioned in the Schedule below; and the liabilities and claims attaching to the said property, so far as they have been ascertained, are those specified in the Schedule against each lot.

In the absence of any order of postponement, the sale will be held by an Officer of the Court at the monthly sale commencing at 9:30 a.m on the **20<sup>th</sup> day of August, 2023** at Court of Civil Judge-cum- Judicial Magistrate, Soreng, District Administrative Center, Soreng, Science College, Chakung and Sikkim Professional University, 8<sup>th</sup> Mile Budang. In the event, however, of the debt above specified and the costs of the sale being tendered or paid before the knocking down of any lot, the sale will be stopped.



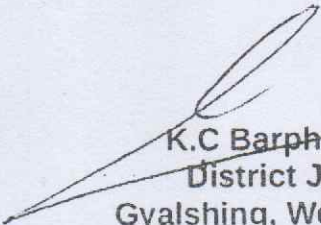


At the sale the public generally are invited to bid, either personally or by duly authorized agent, No bid by, or on behalf of, the judgment-creditors above mentioned, however, will be accepted, nor will any sale to them be valid without the express permission of the Court previously given.

#### Conditions of Sale

1. The particulars specified in the Schedule below have been stated to the best of the information of the Court, but the Court will not be answerable for any error, mis-statement or omission in this proclamation.
2. The amount by which the bidding are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount bid, or as to the bidder, the lot shall at once be again put up to auction.
3. The highest bidder shall be declared to be the purchaser of any lot, provided always that he is legally qualified to bid, and provided that it shall be in the discretion of the Court or Officer holding the sale to decline acceptance of the highest bid when the price offered appears so clearly inadequate as to make it advisable to do so.
4. For reasons recorded, it shall be in the discretion of the officer conducting the sale to adjourn it subject always to the provisions of rule 69 of Order XXI.
5. In the case of movable property, the price of each lot shall be paid at the time of sale or as soon after as the officer holding the sale directs, and in default of payment the property shall forthwith be again put up and re-sold.
6. In the case of immovable property, the person declared to be the purchaser shall pay immediately after such declaration a deposit of 25 percent on the amount of his purchase money to the officer conducting the sale, and on default of such deposit the property shall forthwith be put up and re-sold.
7. The full amount of the purchaser-money shall be paid by the purchaser before the Court closes on the fifteenth day after the sale of the property, exclusive of such day, or if the fifteenth day be a Sunday or other holiday, then on the first office day after the fifteenth day.
8. In default of payment of the balance of purchase money within the period allowed, the property shall be re-sold after the issue of a fresh notification of sale. The deposit, after the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

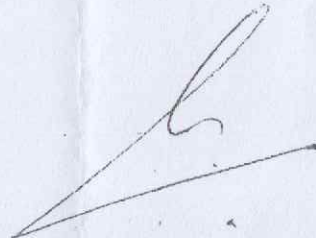
Given under my hand and the seal of the Court, this 7<sup>th</sup> day of August, 2023.

  
K.C Barphungpa  
District Judge,  
Gyalshing, West Sikkim.



### Schedule of Property

Sl. No	Description of property to be sold with the name of each owner where there are more judgment debtors than one	The revenue assessed upon the estate or part of the estate, if the property to be sold is an interest in an estate or a part of an estate paying revenue to Government	Detail of any encumbrances to which the property is liable	Claims if any, put forward to the property and any other known particulars bearing on its nature and value	The value of the property as stated by the decree-holder	The value of the property as stated by the Judgment Debtor
01	Toyota Innova Car SK 04P 3176	N.A	NIL	NIL	Rs 3,14,999/-	No value of the property as stated by the Judgment Debtor as they have been proceeded as ex-parte.
02	Mahindra Bolero SK-04P- 1216	N.A	NIL	NIL	Rs 60,000/-	
03	Swaraj Mazda Bus SK-04B- 0016	N.A	NIL	NIL	Rs 1,69,268/-	
04	Tata Indica Car SK-04-P-1218	N.A	NIL	NIL	Rs 10,002/-	
05	Workshop tools/equipment	N.A	NIL	NIL	Rs 2,19,000/-	



K.C. Barphungoa  
District Judge  
District Gya