



Civil Procedure Code, 1908 (V of 1908) Order 38, Rule 10 - Apparent that the attachment before judgment shall not affect the rights of the persons who are not parties to the suit - Such attachment also does not bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of the decree - Thus, the intention of the legislature with respect to the attachment before judgment is clear from the reading of Rule 10 of Order XXXVIII [CPC](#) - In that context, Section 63 is required to be examined - It becomes apparent that the legislature, while making the provision for execution of the decree passed by several courts, lay down a procedure for their execution - In the considered opinion of this Court, slight insignificant infringement of the procedural law does not result in invalidating the court auction.

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[VIJAY KUMAR v. M/S SHIV LAL RAJ KUMAR AND SONS, \(2022-1\)205 PLR 496](#)