

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.

**2022 PLRonline 0754**

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