

02-05-2025

Ex. 2408/2024

Orders on objection of JDR
No.2 to the Execution Petition

The JDR No.2 filed the statement of objections stating the facts of land acquisition, filing of writ petitions and also package compensation awarded by the JDR No.2 and with the specific contention that the JDR No.2 deposited the compensation amount before the JDR No.1. Hence, the JDR No.2 is not liable to pay any interest on the compensation amount and if at all there were any such liability that is on the JDR No.1 and accordingly, prayed for dismissal of execution petition.

The DHR is filed this execution petition to enforce the judgment and award passed in LAC 104/2022 C/w LAC 106/2022.

On the basis above points for consideration is that

“whether the objections of JDR No. 2 is sustainable under law.”

Heard the arguments.
Perused the material on record, on
that basis my finding on the above
point is in Negative for the
following:

REASONS

This execution petition filed
by the DHR to enforce the
Judgment and Award passed in
LAC 104/2022 C/w LAC 106/2022.
In the said judgment the court
awarded the interest on the basis of
the facts of said case.

The Judgment and Award
passed by this court is a appealable
order. There is no material on
record to show that the JDR No.2
has challenged the said judgment
till this date. Unless and until the
judgment and award has been set
aside or modified, the said
judgment and award is binding on
the parties.

In the case on hand, the JDR
No.2 only claimed that it is not
responsible for the payment of
interest. It is also relevant to note
that the interest ordered in the
award on the basis of non
depositing of the compensation
amount within the statutory
prescribed time. If the JDRs

aggrieved by the order then they have to challenge the said order otherwise the said judgment and decree binding on them. At this juncture it is also relevant to note that this court while passing the judgment specifically ordered that the claimant shall have to execute the indemnity bond with one surety in each case, undertaking to re-deposit the compensation amount either in this court or any other court if ordered to do so, which amount is going to receive in this case. Therefore, even if the JDR No.1 succeeds in the appeal filed by it, no prejudice will be caused to the JDRs as the amount released in favour of the DHR can be recovered either from the DHR or from the surety.

Further, if at all the JDR No.2 already deposited amount before the JDR No.1, then certainly JDR No.1 is liable to pay the interest.

In view of these facts, certainly the objections of the JDR is not sustainable and the said objections are almost similar to the objection raised in the land acquisition case. Therefore, this court is of the humble opinion that

the objection of JDR No.2 is not sustainable and accordingly, the above point is answered in Negative .

In the result following:

ORDER

Objection filed by JDR no.2 is overruled.

II Addl. City Civil Sessions Judge
and Spl Judge, City Civil Court
Bengaluru.