

KABG040002352022



ORDERS ON I.A.No.I FILED U/SEC. 151 OF CPC

At the stage of objection to the main petition, I.A. No.I filed by the decree holder/applicant with a prayer to direct the judgment debtors No.2 to 4 to produce the necessary documents/information in the present execution petition as to how much amount is paid to the judgment debtor No.1 towards his retirement/pensionary benefits so as to enable the Court to execute the compromise decree passed in O.S. No.797/2020.

2. The decree holder has filed an affidavit in support of the said I.A wherein she has stated that she is the wife of judgment debtor No.1. As per the compromise decree dated 19.12.2020 passed in O.S. No.797/2020, the judgment debtor No.1 has agreed to give one share i.e $\frac{1}{3}^{\text{rd}}$ amount out of his total retirements benefits as detailed in condition No.1 of the said compromise decree. Further it is stated that now judgment debtor No.1 has received the entire retirement benefits from the J.D No.2 to 4. Hence, J.d. No.1 is under legal obligation to pay the amount as agreed by him under the said compromise decree, but J.D. No.1 is not ready to pay the said amount to her. Therefore, she submitted an application about the payment of retirement benefits paid to the J.D. No.1. But, Chief Veterinary Officer has issued letter dated 04.08.2021 stating that J.d. No.1 raised objection for giving his personal information to her regarding payment details. The J.D. No.1 deliberately

raised objection for supply of the information sought by her under Right to Information Act. The J.D. No.1 has no mind to pay the amount to her as agreed by his as per the compromise decree passed in the said suit. Further it is stated that she has filed an application in O.S. No.797/2020 to get exact amount paid by the JD No.2 to 4 to the J.d. No.1 so as to take steps to recover the amount. But, the said application was rejected by this Court with an observation that suit is already disposed off and directions cannot be issued to the Department of J.Ds by reserving some liberty in the said order. If the accompanying application is allowed, no loss will be caused to other side. On the contrary, she will be put to hardship and also same will lead to multiplicity of proceedings. Hence, prayed to allow the application.

3. The Jdr no.2 to 4 have not filed objections to the present application. The Jdr no.2 to 4 in the objection to the main petition contended that, they are not signatory to the compromise petition. Further contended that there is no claim against the Jdr no.2 to 4 in the present petition

4. The Jdr no.1 in the objection to the main petition contended that, he has not received the benefits .

5. Heard. Perused the records.

6. On the basis of the above facts, the following points that arise for my consideration are;

1. Whether the decree holder has made out sufficient grounds to allow the application ?

2. What order ?

7. My answer to the above points is:

Point No.1	:	In the Affirmative;
Point No.2	:	As per the final order, for the following;

REASONS

8. **Point No.1:** The Dhr has filed the present petition seeking to execute the compromise decree passed in O.S.No.790/2020. The petitioner contend that, the Jdr no.1 in the compromise petition filed in the said suit has agreed to give 1/3rd share in the retirement benefits. Further contend that, though he is under obligation to pay the as agreed in the compromise petition , he is not ready pay the said amount. Further contend that the the Jdr no.2 to 4 refused to give information regarding the payment of retirement benefits to the Jdr no.1.

9. It is pertinent to note that on perusal of the compromise decree it appears that the Jdr no.1 has agreed to pay 1/3rd share in his retirement benefits to the dhr herein. The Jdr no.1 in the objection to the main petition contend that, he has not retirement benefits. Whereas, the concerned authority has issued letter stating that, the information pertaining to the retirement benefits of the Jdr No.1 cannot be given as the Jdr No.1 has raised objection. Hence, I am of the opinion that it is necessary to issue direction to the Jdr No.2 to give information regarding the payment of retirement benefits to the Jdr no.1. Hence, I answer the point no.1 in the ***Affirmative***.

10. **Point No.2:-** For the above discussion, I proceed to pass the following;

ORDER

IA.No.I filed by the decree holder U/Section 151 of CPC is hereby allowed.

The Jdr No.2 is hereby directed to furnish information as to the payment of retirement benefits to the Jdr No.1.

Call on for steps by

IV Addl. Civil Judge & JMFC.,
Belagavi.