

**ORDERS ON I.A.NO.IV FILED BY THE DECREE
HOLDER UNDER ORDER 21 RULE 52 R/W SECTION
151 OF CPC**

Decree Holder has filed this application for attachment of property in order to execute the decree.

2. In the affidavit annexed to the application, it is averred that Decree Holder has paid Rs.9,102/- for the residential plot in favour of Judgement Debtor no.1 and 2. Since, 1985 Judgement Debtor no.1 and 2 are deceiving him assuring him to allot the residential plot. Therefore, he had raised a dispute before the competent authority against Judgement Debtor no.1 and 2 for allotment of residential plot.

3. It is averred that the competent authority passed an order to allot the site in favour of Decree Holder as per the rules within six months from the date of order and to pay the compensation with compounded interest. Despite the award, the Judgement Debtors have neither paid the amount nor allotted the plot. Therefore, in order to execute the award, Decree Holder has filed application to attach the property of the Judgement Debtors.

4. Despite availing sufficient opportunities, the Judgement Debtors have not filed objections to IA.4.

5. Heard, perused the materials available on record.

6. Now the points that arise for consideration are as follows;

(1) Whether the property stated in the application can be attached?

(2) What order?

7. My answer to the above points are as hereunder:

Point No.1: In the Affirmative

Point No.2: As per the final order for the following:

REASONS

8. **Point No.1:-** The Decree Holder has filed this application before this court to execute the award passed by the Assistant Registrar of Co-op. Societies, Belagavi. In the order, it is averred that Judgement Debtor no.1 and 2 have to allot the site infavour of Decree Holder. It is also stated in the award that Judgement Debtors have to pay the amount deposited by the Decree Holder along with compounded interest.

9. The Decree Holder has filed this petition for allotment of sites as well as for recovery of money. It appears that since 2021, Judgement Debtors have not paid any penny in favour of Decree Holder.

10. Decree Holder has produced property extract of CTS No.2427, which is standing in the name of present President of Judgement Debtor Co-op. Housing Society. It appears that there are no other impediment by law to attach the said property. With a view to recover money and with a view to execute the award, I am of the opinion that the said property has to be attached. **Accordingly, Point No.1 answered in the Affirmative.**

11. **Point No.2:-** In view of the above discussion, I proceed to pass the following:

ORDER

I.A.IV filed Under Order XXI Rule 52 R/w. section 151 of CPC is hereby allowed.

Property bearing CTS NO.2427 measuring 632.94 sq mtrs situated at Kamat Galli, Belagavi is hereby attached.

Issue order of prohibition as contemplated under Order XXI Rule 54 of CPC prohibiting the Judgement Debtor from transferring or creating encumbrance on the property.

Issue notice to Judgement Debtors for settling the terms of proclamation of sale.

Bailiff to comply the provisions of order XXI Rule 54(2) of CPC by proclaiming the attachment.

Issue attachment warrant of immovable property.

Call on 15.10.2024.

Sd/-

**I Addl. C. J. & JMFC,
Belagavi.**