

ORDER ON IA NO.I

i.	Provision under which the application is filed	:	IA.No.I U/o.XXI Rule 38 R/w Sec.151 of CPC.
ii.	Relief sought for	:	For issuance of arrest warrant against the JDr.
iii.	The date on which the application is filed	:	18.08.2025
iv.	Number of the application	:	I.A.No.I.
v.	The date on which the objections are filed by different opponents	:	30.10.2025 Arguments concluded on 13.02.2026.
vi.	The date on which the orders were passed on the said application	:	13.03.2026.

1. The decree holder (Dhr) has filed IA.No.I U/o.XXI Rule 38 R/w Sec.151 of CPC for issuance of arrest warrant against the judgment debtor (Jdr).

2. In support of above application, the Dhr has sworn to an affidavit, wherein he mainly stated that, he has initiated the present execution proceedings on the basis of judgment & award dated 27.10.2017 passed in MVC.No.191/2016. Though the Jdr has appeared herein, but not paid the award amount. An attachment warrant of movables was also returned unexecuted. Therefore it is necessary to issue arrest warrant against Jdr. With this the Dhr has prayed to allow

above application.

3. The J.Dr has filed objection to above application, contending that, as per compromise between himself and the Dhr, he had already paid Rs.30,000/- (Rupees Thirty Thousand Only) to Dhr. Thus the present petition as well as application are not maintainable.

4. Heard both side. Perused application & all other materials on record. Upon going through the same, the points that would arise for consideration are as under:

POINTS

1. Whether the Dhr has made out grounds to allow above application ?
2. What order ?

5. This court answers to above points as under;

Point No.1 : In the affirmative.

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

REASONS

6. Point No.1 : This execution petition is filed by the Dhr for recovery of award amount with interest & costs of Rs.1,34,440/- (One Lakh Thirty Four Thousand Four Hundred Forty Only), as per the judgment & award dated 27.10.2017 passed in MVC.No.191/2016. The certified copy of judgment & award passed in aforesaid case

discloses that, the Jdr herein was directed to pay compensation of Rs.75,000/- (Rupees Seventy Five Thousand Only) along with interest of 9% per annum within two months from the date of petition till realization.

7. It is to note that, the Jdr has not produced any such cogent material to substantiate his contention and payment of award amount or alleged settlement amount to the Jdr. Having regard to the reasons assigned in the affidavit annexed to above application, this court is of opinion that, the Dhr has no other option to recover award amount except sending the Jdr behind the bars. In view of above discussion, point No.1 is answered in the affirmative.

8. Point No.2 : In view of above findings, the court proceeds to pass the following:

ORDER

IA.No.I filed U/o.XXI Rule 38 R/w
Sec.151 of CPC by the Dhr is hereby
allowed.

The Dhr shall deposit a sum of
Rs.10,000/-(Rupees Ten Thousand Only)
as required U/o. XXI Rule 39 of CPC
towards subsistence of the Jdr.

Office is directed to issue arrest warrant against the Jdr after deposit of subsistence allowance of Rs.10,000/- (Rupees Ten Thousand Only) and requisite PF paid by the Dhr.

R/by: 28.04.2026.

**Prl. Senior Civil Judge & JMFC,
Jamakhandi.**