

KABK700004052024



EX/60/2024

**IN THE COURT OF PRL. SENIOR CIVIL JUDGE & JMFC, JAMKHANDI.**

**Present:**

**Shri. Rajashekhar.S. Harsoor  
B.A. LL.B.,**

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

**E.P No.60/2024**

**Dated this, the 6<sup>th</sup> day of September, 2025.**

1. Shri. Kallappa S/o Laxman Chippadi,  
Age: 75 years, Occ: Agriculture,  
R/o: Khavatakoppa village, Tq: Athani,  
Dist: Belagavi.

**... Decree Holder.**

**(Represented by Sri.N.B.G., Advocate)**

**- Vs -**

1. Shri. Muttanna S/o Laxman Aaragi,  
Age: 45 years, Occ: Agriculture,  
R/o: Muttur village, Tq: Jamkhandi, Dist: Bagalkot  
Now residing at Jain Anath Asharam  
& Vriddha Asharam, Galagali R.C Center,  
Muthol Road, Jamkhandi, Dist: Bagalkot.

**... Judgment Debtor.**

**(Represented by Sri.P.G.P., Advocate)**

i.	Provision under which the application is filed	:	IA-I U/o.XXI Rule 54 R/w.sec.151 of CPC.
ii.	Relief sought for	:	For attachment of land R.S.No.34/1+2/1A measuring 02A-10G, assessed at Rs.7.34 paisa situated at Muttur village, Jamakhandi taluka, Bagalkot District.
iii.	The date on which the application is filed	:	12.03.2025
iv.	Number of the application	:	I.A.No.I.
v.	The date on which the objections are filed by different opponents	:	Objections filed on 09.07.2025. Arguments concluded on 11.07.2025.
vi.	The date on which the orders were passed on the said application	:	06.09.2025

### **ORDER ON IA NO.I**

1. The Decree holder/Dhr filed IA.No.I U/o.XXI Rule 54 R/w.Sec.151 of CPC for attachment of land R.S.No.34/1+2/1A measuring 02A-10G, assessed at Rs.7.34 paisa situated at Muttur village, Jamakhandi taluka, Bagalkot District.

2. In support of above application, the Dhr has sworn to an affidavit, wherein he mainly stated that, he filed this execution petition for recovery of earnest money, as per the judgment & decree passed in O.S.No.31/2020

dated 28.03.2024. The judgment debtor/Jdr has failed to pay the earnest money as per the judgment & decree passed in aforesaid suit. He further stated that, the Jdr has owned & possessed aforesaid land. Therefore it is just & necessary to pass an order for attachment of said property to recover the decretal amount. He further stated that, if above application not allowed, it would be difficult for him to recover the decretal amount. With this, the Dhr has prayed to allow above application.

3. On the contrary, the Jdr filed the objection to above application contending that, aforesaid land is not his exclusive property. It is his joint family property. His daughter & son are also having shares therein. Such being the state of affairs, the Dhr filed this application with a malafide intention to harass him. If above application is allowed he will be put to irreparable loss & injury. With this the Jdr has prayed for rejection of above application.

4. Heard both side. Perused application, objection & all other materials on record. Going by the same, the following points arise for consideration ;

#### **POINTS**

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

5. Having heard both the counsels and going by the materials on record, 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:** The present execution petition is filed by the Dhr for recovery of the earnest money along with interest & costs in toto Rs.9,68,513/- with 6% interest from the J.Dr. The certified copies of judgment & decree passed in OS.No.31/2018 disclose that, the Dhr had filed said suit for the relief of specific performance of contract. It came to be decreed on 28.03.2024. Wherein it is held that the defendant i.e., Jdr herein is directed to refund earnest money of RS.7,28,000/- with costs of the suit to the Dhr with 6% interest per annum from the date of suit till realization, within three months. As the Jdr has failed to comply said decree, the Dhr is constrained to file this petition.

7. Perused the RTC of land R.S.No.34/1+2/1A measuring 02A-10G, assessed at Rs.7.34 paisa situated at Muttur village, Jamakhandi taluka, Bagalkot District. Said land is standing in the name of Jdr only. The Jdr has not produced any such other material to show that, his children are also

having rights over the said land. However upon going through the contents of application and all other materials available on record, it appears that, the J.Dr is trying to avoid to satisfy the decree passed in aforesaid suit. Therefore having regard to the reasons assigned by the Dhr, this court is of opinion that, it is just & necessary to pass an order of attachment, otherwise he would be put to hardship and also face difficulty in executing the decree. In view of above discussion, point No.1 is answered in the affirmative.

**8. Point No.2 :** In view of above findings, the following order is passed:

**ORDER**

IA.No.I filed U/o.XXI Rule 54 R/w Sec.151 of CPC by the D.Hr is hereby allowed.

Issue attachment order in respect of land bearing R.S.No.34/1+2/1A measuring 02A-10G, assessed at Rs.7.34 paise situated at Muttur village, Jamakhandi taluka, Bagalkot District.

Office is directed to proclaim & affix the order of attachment at the place where the suit schedule property situated, on notice board of the court house, office of Tahashildar, Jamakhandi, office of Assistant Commissioner, Jamakhandi & office of Deputy Commission, Bagalkote. Further office is directed to

communicate this order to aforesaid offices.

R/by 17.10.2025.

*(Dictated to the stenographer directly on computer, typed by her, transcript corrected and signed by me, and then pronounced in the open Court on 6<sup>th</sup> day of September, 2025)*

**Sd/-**  
**(Sri. Rajashekhar S. Harsoor)**  
**Prl. Senior Civil Judge & JMFC,**  
**Jamkhandi.**