

ORDER

The Decree Holder has filed the present application under Order XXI Rule 54 read with Section 151 of the Code of Civil Procedure seeking **attachment of the immovable property** described in the schedule appended to this order, belonging to the Judgment Debtor, for the purpose of securing satisfaction of the decree passed in O.S. No. 348/2016.

2. It is submitted that in O.S. No. 348/2016, this Court has passed a decree on ..2016 directing the Judgment Debtor to pay a sum of Rs. 1,81,070/- with interest and costs. The Decree Holder states that the present execution petition was filed in the year 2017, and despite sufficient time and opportunity, the Judgment Debtor has failed to satisfy the decree. As on the date of

filing the present I.A. No. I, a total sum of Rs. 2,69,445/- is due and payable by the Judgment Debtor.

3. It is further contended that the Judgment Debtor, though aware of the decree and execution proceedings, has been deliberately avoiding payment and is attempting to deal with the schedule property in a manner that may defeat the execution. Hence, the Decree Holder prays for an order of attachment of the schedule property.

4. I have perused the records of the execution petition, the decree in O.S. No. 348/2016, and the materials placed along with the application. The decree has attained finality. The Judgment Debtor has failed to discharge the decretal amount even after lapse of several years from the date of decree and filing of execution petition.

5. The amount due as on the date of this application stands at Rs.2,69,445/-, and there is no material from the Judgment Debtor to show any bona fide intention to satisfy the decree. The apprehension expressed by the Decree Holder that the Judgment Debtor may attempt to alienate or encumber the property appears reasonable and justified.

6. Under Order XXI Rule 54 CPC, this Court is empowered to order attachment of immovable property to prevent its transfer or alienation pending execution. Considering the conduct of the Judgment Debtor and the necessity to secure the fruits of the decree, this Court is of the view

that an order of attachment has become necessary. Hence, following;

ORDER

I.A.No.II filed by the Decree Holder under Order XXI Rule 54 r/w Section 151 CPC is **hereby allowed.**

1. The Judgment Debtor is **restrained from transferring, alienating, encumbering, leasing, or otherwise dealing with the I.A No. II schedule property** until further orders of this Court.
2. Issue attachment warrant accordingly.
3. A copy of this order together with the schedule of property shall be affixed on the notice board of the Court and on a conspicuous part of the property as mandated under Order XXI Rule 54(2) CPC.
4. For appearance of the JDR to know the date for settlement of terms of proclamation. By 22.01.22025.

Sd/-

II ACJ and JMFC Kadur.