

**IN THE COURT OF SENIOR CIVIL JUDGE &
JMFC, BELTHANGADY, D.K. DISTRICT**

:PRESENT:

**SRI. MANU B.K., *B.A.L., LL.M.*,
Senior Civil Judge & JMFC,
Belthangady, D.K. District**

Dated, this the 30th day of June 2026

Ex.C.No.15/2025

PETITIONERS/DECREE HOLDERS:

1. Prema S Hegde,
W/o. Late. K. Sanjeeva Hegde,
Aged about 82 years,
2. Smt. Priya D Hegde,
W/o. Late Dinakara Hegde K,
Aged about 44 years,
3. Disha Hegde,
D/o. Late Dinakara Hegde K,
Aged about 26 years,
All are permanently Residing

at Prakrithi Nivas, Sasyodhyana
Kuvettu Village, G. Kere Post,
Belthangady Taluk.

(By Sri. A.C.K., Advocate)
-V/s-

RESPONDENT/Jdr:

The Manager,
Reliance General Insurance Co. Ltd.
Branch Office, 2nd Floor, S M Towers,
11th Main, 3rd Block, Jayanagar,
Bangaluru – 1.

(By Sri. M.S.K., Advocate)

**ORDERS ON EXECUTION PETITION FILED BY
THE DHR**

The DHR has filed this petition seeking
direction to the JDR to pay Rs.7,29,742/- to
the DHR.

2. In the memo of calculation and in the petition the DHR has stated that, the total amount awarded is Rs.45,38,889/-. The interest for the aforesaid amount is calculated at Rs.21,78,666/-. Thereby, the DHR has contended that, the JDR is liable to pay Rs.67,17,555/-. It is also stated that, as per the direction of Hon'ble High Court of Karnataka, the JDR has deposited Rs.24,48,029/- on 14.01.2020. Subsequently, the JDR has paid Rs.35,39,784/-. Therefore, the remaining interest is Rs.7,29,742/-. Hence, the JDR is liable to pay aforementioned

amount.

3. As against the petition and memo of calculation filed by the DHR, the JDR has filed memo of calculation by contending that, the JDR has paid entire amount, but the Dhr is seeking interest for the amount, which was already deposited before Hon'ble High Court on 09.06.2017. Therefore, the Jdr sought to reject the petition.

4. Heard the arguments of learned counsel for both side.

5. The points that arise for my consideration are;

1. Whether the Dhr has made out grounds to direct the Jdr to pay

**the amount as sought for to the
Dhr ?**

2. What order?

6. My answer to the above points are as
under:

Point no.1: In the **NEGATIVE**

Point no.2: **As per final order**
for the following:-

REASONS

7. **POINT No.1:** Perused the entire
material on record. This Court has passed
Judgment vide order dated 28.08.2019 in
M.V.C.No.860/2017. Challenging the judgment
passed by this Court, the Dhr has preferred an
appeal before Hon'ble High Court of Karnataka
in M.F.A. No.8554/2019. Per contra, the Jdr

also filed cross objection in M.F.A.Crob No.92/2020. As per the material available on record and memo of calculation filed by the parties, the award passed by the Hon'ble High Court has already been complied by the Jdr.

8. The Dhr has filed this petition coupled with memo of calculation by contending that, the interest was not paid for the amount which was already deposited before the Court. In the memo of calculation filed by the Jdr, it has specifically mentioned that, it has already deposited an amount of Rs.21,20,777/- before Hon'ble High Court on 09.06.2017 itself with accrued interest. The said contention is also

accepted by the Dhr in the arguments, but he has contended that the interest has not been paid for the aforesaid amount. However, admittedly, the Jdr has deposited aforementioned amount before the Hon'ble Court. The Dhr also withdrawn the said amount. Such being the case, the Dhr cannot claim interest on the said amount. Moreover, as per the memo of calculation filed by the Jdr and Dhr, the entire award amount is paid to the Dhr. As such, the Dhr is not entitled to the interest on the amount which was already deposited before the Court. Therefore, for the praefatus reasons the petition filed by the Dhr

is liable to be rejected. Accordingly, for the praefatus reasons, this Court answering point No.1 in the **NEGATIVE**.

9. **POINT NO.2:** In view of findings on the Point No.1 , this Court proceed to pass the following:

ORDER

The Execution petition filed by the petitioners under Order 21 Rule 43 of CPC is hereby rejected.

No order as to costs.

(Dictated to the typist online, then corrected and pronounced by me in the open court on this 30th day of June 2026)

(MANU B.K.)

**Senior Civil Judge & JMFC
Belthangady, D.K.**