

IN THE COURT OF THE | ADDITIONAL SENIOR CIVIL JUDGE  
& J.M.F.C., HUBBALLI

Present:  
Sri. Ganapathi Prashanth M.,  
B.A.LL.B.,  
I Addl. Senior Civil Judge & J.M.F.C., Hubballi.

F.D.P.No.14/2022

Dated this the 8<sup>th</sup> day of November, 2022

Petitioner : Smt.Nirmala Mallikarjun Manvi

.Vs.

Respondent/s : Smt.Savitri R. Indi and others

**PARTIES TO I.A.**

Applicant : Smt.Geeta Basavaraj Indi

.Vs.

Opponent : Smt.Nirmala Mallikarjun Manvi

**PARTIES TO I.A.**

Applicant : Smt.Nirmala Mallikarjun Manvi

.Vs.

Opponent : Smt.Savitri R. Indi and others

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**ORDERS ON I.A. UNDER SECTION 151 OF C.P.C.**

The Respondent No.7 has filed I.A. dated:12.10.2022 under Section 151 of C.P.C. seeking to direct the Respondent No.11 SLAO, KRDC, Rayapur, Hubballi to deposit 1/7<sup>th</sup> share

amount in the compensation amount in respect of 3.75 guntas in RS No.184/7.

2. The Petitioner filed I.A. dated:26.07.2022 under Section 151 of C.P.C. seeking to direct the Respondent No.11 SLAO, KRDL, Rayapur, Hubballi to deposit 1/7<sup>th</sup> share amount in the compensation amount in respect of 3.75 guntas in RS No.184/7.

3. The Respondent No.4, 8, 9, 10 and Lrs. of Respondent No.2 and 6 filed objections.

4. Heard, perused the pleadings and materials placed on record.

5. The point for consideration is, whether the amount can be called to this proceedings ?

6. The above point is answered in the affirmative, for the following;

### **REASONS**

7. The grounds urged by the petitioner and by the Respondent No.7, for calling upon the 11<sup>th</sup> Respondent to deposit 1/7<sup>th</sup> each share out of the compensation amount is that the said applicants are entitled for 1/7<sup>th</sup> share in the suit property as per the preliminary decree and their entitled also for said 1/7<sup>th</sup> share in the land acquisition compensation and defendant No.11 wrote a letter dated:14.07.2022 that the amount will not be dispersed till

the decision of RFA No.100141/2022, in spite of there being no stay against the preliminary decree.

8. The objection of the Respondent No.4 and others is that the RFA No.100141/2022 is pending for consideration on the file of Hon'ble High Court of Karnataka, Dharwad Bench and notices are served on the parties and it earliest come up for admission and hence valid grounds are made out to allow the I.A.

9. It is relevant to note that general award for compensation in respect of 3-75 guntas in block No.184/7 is already passed for Rs.20,00,832/- Is not in dispute. The SLAO has refused to disperse the 1/7<sup>th</sup> portion of said compensation amount on the ground that RFA No.100141/2022 is pending on the file of Hon'ble High Court of Karnataka, Dharwad Bench.

10. In the preliminary decree in O.S. No.96/2015, dated:17.11.2021 it is held that the plaintiff and 7<sup>th</sup> defendant therein are entitled for 1/7<sup>th</sup> share in all the suit schedule properties. The decree in the said suit clearly discloses that R.S. No.184/7 measuring 4 guntas is item No.'H' in suit schedule item No.(ii) non-agricultural properties. Out of the said extent, 3.75 guntas is acquired. Therefore prima-facie the present applicants are entitle to claim their 1/7<sup>th</sup> each share. Though some of the Respondents have filed objections, it would not come in the way of the applicants enforcing their right to claim their share in the compensation amount, as the preliminary decree is not yet stayed. Mere allowing I.A. will not cause any injury to the Respondents were objecting the present applicants, for the

amount will be called to the custody of the Court, but will not be dispersed to the party, until further order. After the amount is received by the Court from 11<sup>th</sup> Respondent, separate Orders will have to be passed for releasing the amount to the persons entitled to their. In this view of the matter, valid grounds are made out to allow the I.A.s filed by the petitioner and Respondent No.7.

11. Hence, the point for consideration is answered in the affirmative and accordingly, this court proceed to pass the following:

### **ORDER**

The I.A.s filed by the Petitioner and Respondent No.7 under Section 151 of C.P.C. are hereby allowed.

The Respondent No.11 is directed to send the 1/7<sup>th</sup> share of the petitioner and 1/7<sup>th</sup> share of the Respondent No.7, from out of the total compensation awarded in respect of survey No.184/7 measuring 3.75 guntas situated in Rayapur, Dharwad, to this Court, in accordance with law, forthwith.

(Dictated to the Stenographer, transcribed and computerized by him, script corrected directly on computer and then pronounced by me in the Open Court on this the **8<sup>th</sup> day of November, 2022**)

(Ganapathi Prashanth M.,)  
I Addl. Senior Civil Judge & J.M.F.C.  
Hubballi.