

For orders.

ORDERS

The DHR has filed application U/o. 21 Rule 30 R/w. Sec., 151 of CPC., prayed to freeze the account of JDR No.2, Ranebenur Branch account No.10811384560 till Payment amount.

2. In support of application has filed affidavit stated that, the LAC petition No.23/2017 enhancement of compensation and same was allowed on dated 14-12-2018. After the JDR has preferred the appeal before the Hon'ble District Court in MA No.20/2021 the same case to be dismissed on 15-03-2023 till today. The JDR has not deposit any amount. Hence, prayed to freeze the account of JDR No.2 till payment.

3. On the other hand, the JDR No.1 and 2 filed objection contended that, the application is not maintainable

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there is no sufficient reason to show freeze the account of JDRs., If freeze the account of JDRs it will hamper to the all the works as well as transaction of the JDRs and also effect the who are service in the said department and also effect to other minor works belong to JDRs. It is not a solution to freeze the account of JDRs. The JDRs try to deposit the amount to the DHR and other former who lost their Lands for that JDRs., inform to Deputy Commissioner, Haveri all these reasons prayed to dismiss the application.

4. Hearing Heard.

5. The following points would arise for my consideration.

1. Whether the application filed by the DHR U/o. 21 Rule 30 R/w. Sec., 151 of CPC., is deserved to be allowed.

2. What order.?

6. My answer to the above points as under:

Point No.1 : **In the Affirmative**

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

REASONS.

7. POINT NO.1 : The DHR filed application to freeze the account of JDR No.2 in that the affidavit the LAC petition enhancement of compensation and same was allowed on 14-12-2018. Further submit inspite of order JDR No.2 has not paid amount, hence petition for execution. Now the present application is filed and prayed to freeze bank account of JDR No.2.

8. I have perused the entire records the petition is filed for execution of award passed in LAC No. 23/2017. Awarded amount is deemed to be decree. The present application filed U/o. 21 Rule 30 R/w. Sec., 151 of CPC. The decree has to be executed as per provisions U/o. 21 of CPC. U/o 21 provides attachment of property for non compliance decree or award.

9. I have perused entire records shows that, DHR has taken steps for attachment of movable properties of JDR No.2, but the said attachment is not duly executed non co-operation of the DHR such being fact and the JDR NO.2 is being public authority and

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DHR has to take steps as per the CPC. More particularly order 21 of CPC for attachment of movable property of JDRs., before going to freeze of account of JDR No.2. DHR., has to taken steps for attachment of movable properties. Hence at this juncture without taking steps for attachment of movable property freeze account of JDR No.2 is not proper. For the above discussion application is to dismissed. Accordingly above point No.1 is answered in the “Negative”

10. POINT No. 2: In view of the result of Point No.1, I proceed to pass the following;

ORDERS

The DHR has filed by the application U/o. 21 Rule 30 R/w/. 151 of CPC., is hereby dismissed.

For steps

Call on 04-01-2025

Sd/- 18-12-2024

Addl. Senior Civil Judge and JMFC.,
Haveri.