

ORDER ON I.A. No. I

The DHR has filed this application U/o. XXI rule 54 R/w section 151 of CPC to issue attachment warrant of immovable property belongs to the JDR No.1 as described below.

SCHEDULE

ಗ್ರಾಮ ಪಂಚಾಯತ್ ಆಸ್ತಿ ನಂ.88 ರಲ್ಲಿಯ ಆರ್.ಸಿ.ಸಿ. ಹಾಗೂ ತಗಡಿನ ಮನೆಯ ಅಳತೆ: ಉದ್ದ-ಅಗಲ 60 X 40 ಇರುತ್ತದೆ. ಸದರ ಆಸ್ತಿಯ ಚಕ್ಕುಬಂದಿ:

ಪೂರ್ವಕ್ಕೆ	ಹನುಮಂತಪ್ಪ ಹಾಲಪ್ಪ ಲಮಾಣಿ ಇವರ ಆಸ್ತಿ
ಪಶ್ಚಿಮಕ್ಕೆ	ತೇಜಪ್ಪ ಬೀಮಪ್ಪ ಲಮಾಣಿ ಇವರ ಆಸ್ತಿ
ಉತ್ತರಕ್ಕೆ	ರಸ್ತೆ
ದಕ್ಷಿಣಕ್ಕೆ	ಮಂಜು ಲಾಲಪ್ಪ ಲಮಾಣಿ

ಈ ಚಕ್ಕುಬಂದಿ ಮಧ್ಯದಲ್ಲಿರುತ್ತದೆ ಇದರಲ್ಲಿಯ ಮನೆಯ ನೀರು ರಸ್ತೆಗೆ ಹರಿದು ಹೋಗುತ್ತದೆ.

2. Though the JDRs appeared before the court, they failed to file any objection to the main petition or to the present application. His counsel also remained absent and unrepresented.

3. Heard the arguments from DHR side. Perused the records in detail.

4. Now, the following point arisen for due consideration:

1.Whether the DHR has made out sufficient grounds to allow the I.A No.I.?

5. My finding to the above point is in the "**Affirmative**" for the following:-

-: R E A S O N S :-

6. The DHR has filed this Execution Petition to execute the award dated 12.07.2022 passed in proceedings ABN No.5427/2021-22, wherein the same was passed against the JDRs directing to pay an amount of Rs.4,17,589/-. During pendency of the Execution Petition, the DHR has presented this application along with list of immovable property. The DHR contended that, despite the JDRs are bound to pay the award amount, they failed to pay the amount. The proposed property was mortgaged to the JDR and seeking attachment of the same.

7. It is alleged that, despite decree of this court the JDR intentionally disobeying the decree and failed to satisfy the decree. Hence, he presented this execution petition for execution of the Judgment and Decree and prayed to issue attachment warrant in respect of proposed immovable property standing in the name of JDR No.1 which was also subject property of the loan.

8. The records reveals that, the DHR filed this Execution Petition to execute the award dated 12.07.2022 passed in proceedings ABN No.5427/2021-22, wherein the same was passed against the JDRs directing to pay an amount of Rs.4,17,589/-. In support of this application, the DHR has furnished valuation report, photos, boundary certificate, demand extract, mortgage deed and encumbrance certificate, wherein the same standing in the name of JDR No.1. In this

regard, she has not denied the case of DHR nor contested the application. As such it can safely hold that, the proposed property is standing in the name of JDR No.1.

9. Under Order 21 rule 22 of CPC, empowers to attach the property of JDR or his detention in the civil prison. Perused the order sheet and materials on record. Since, the proposed property is still standing in the name of the JDR No.1, there is no any legal hurdle to attach the same for the satisfaction of the judgment and decree. As such, the DHR has made out sufficient grounds to allow the I.A. No.1. Hence, my answer to point No.1 in the "**Affirmative**" and I proceed to pass following:

: O R D E R :

I.A. No. I filed by the DHR U/o. XXI rule 54 r/w section 151 of CPC is hereby allowed.

The property bearing No.88 measuring 60 X 40 feet situating at Hullatti Tanda, Guddaguddapura village panchayath standing in the name of JDR No.1 is hereby attached and the JDR No.1 is hereby prohibited from creating any charge or transfer the ownership of the same until further order.

Office is hereby directed to issue attachment warrant (Form No. 24) in respect of the immovable property as mentioned in the application.

Office is also directed to issue notice to JDR for settling the terms of proclamation of sale (Form No.28).

In addition, issue arrest warrant to JDR No.3.

The DHR shall furnish necessary PF and pay the SA amount.

The court bailiff shall execute the attachment and arrest warrant, he also at liberty to seek the assistance of Police, panchayath or revenue officials if necessities arise.

Returnable by 25.04.2026.

Sd/-

Prl. C.J. & JMFC.,
Ranebennur.