

IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT SEDAM

PRESENT: SRI. SAGAR GURUGOUDA PATIL

B.A., LL.B.

Senior Civil Judge & JMFC., Sedam

**DATED THIS THE 8<sup>th</sup> DAY OF NOVEMBER-2024.**

**E.P. No.3/2024.**

**Decree holder**

Jagadevi W/o Karabasappa  
(Advocate for D.Hr by Sri.S.R.P.)

**//V E R S U S//**

**Judgment Debtor:**

Vijayalaxmi W/o Shivalingappa  
(Advocate for J.Dr. by Sri.R.M.)

**ORDER ON No.1**

Jagadevi

Applicant/D.Hr

//Versus//

Vijayalaxmi

Opponent/J.Dr.

**Order on I.A.No-1 U/o 21 Rule 54 of CPC**

The decree holder has filed this IA U/O 21 Rule 54 of CPC and sought to attach the suit schedule property i.e., land Sy.No.442/1 measuring 3 acres situated at Benakanahalli village, Tq: Sedam, Dist: Kalaburagi.

2. The decree holder has sworn to an affidavit in support of IA No.1 and stated that she had filed suit in O.s.No.98/2022 against the judgment debtor for specific performance of the contract in respect of the land measuring 3 acres in Sy.N0.442/1 of Benakanahalli village and the same suit was decreed on 29.09.2023 directing the judgment debtor to refund the earnest money of Rs.8,0,000/- to the decree holder with interest @ 6% per annum. But the Judgment debtor has failed to pay the decretal amount. Hence prays to allow the IA.

3. The judgment debtor has filed objection to IA and contended that the IA is not maintainable in the eye of law and the reasons shown in the IA are not sufficient to allow the IA. The judgment debtor is ready to pay the amount as per order but she intending to sell the property as early as possible. Hence, prays to reject the IA.

4. Perused the records. Heard arguments.

5. The following points arise for my consideration are.

1) Whether the decree holder has made out case for attachment of the land

measuring 3 acres in Sy.No.442/1 of  
Benakanahalli village, Tq: Sedam?

2) What order?

6. My findings on the above points are as under:

Point No:1 : In the Affirmative.

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

### **REASONS**

7. **Point No.1:-** The records show that the decree holder Jagadevi had filed this petition for recovery of the decretal amount of Rs.8,00,000/- from the judgment debtor.

8. The copy of the decree produced along with the petition show that the decree holder had filed suit for specific performance against the judgment debtor in respect of the land measuring 3 acres in Sy.No.442/1 of Benakanahalli village (hereinafter referred as the suit property) and the said suit was partly decreed. As per the decree this court directed the defendant/judgment debtor to pay an amount of Rs.8,00,000/- with interest @ 6% per annum from the date of the suit till its complete realization. The decree holder has stated on oath that

the judgment debtor did not pay the said decretal amount.

Therefore the decree holder has filed this application.

9. This petition is filed for the recovery of the decretal amount of Rs.8,00,000/- with interest. If during pendency of this petition the judgment debtor alienates the suit property to third party it will become very difficult to recover the decretal amount. Therefore in order to satisfy the decree the suit property needs to be preserved intact. Therefore it is just and necessary to attach the suit property. Hence I answer point No.1 in the Affirmative.

10. **Point No.2:-** For the foregoing reasons, I proceed to pass the following:

### **ORDER**

I.A.No.1 U/O 21 Rule 54 of CPC filed by the decree holder is hereby allowed.

The suit property i.e., land measuring 3 acres in Sy.No.442/1 of Benakanahalli village, Tq: Sedam is hereby attached.

Office to issue attachment warrant of the suit land.

Office to also issue attachment notice to be affixed on any conspicuous part of the property, notice board of the court house, notice board of the Deputy commissioner Kalaburagi, Notice board of the Tahasildar Sedam and on the notice board of the Gram Panchayat of Benakanahalli village.

Office to send copies of attachment notices to the above offices of the government to affix the same in the notice boards of the said offices.

The Deputy commissioner Kalaburagi, the Tahsildar Sedam and PDO Gram panchayat Benakanahalli is hereby directed to affix the copy of attachment notice in the notice boards of their respective offices.

The bailiff shall also proclaim the attachment notice by beat of drum or other customary mode near the suit property and in the Benakanahalli village.

Looking into the nature of the warrant and the work assigned to the bailiff, Spl. bailiff is appointed to execute the warrant and serve the notices.

The decree holder shall pay requisite process fee and other charges and also furnish sufficient number of RTC extracts and petition copies.

The Tahasildar Sedam is hereby directed to make entry in the column 11 of the RTC extract of the suit property to be effect that "this property is attached in E.P.No.3/2024 by order of the Senior Civil Judge, Sedam dated 8.11.2024".

Office to issue notice to the judgment debtor calling upon him to appear before the court on 11.01.2025 to take notice of the date to be fixed for settling the terms of the proclamation of sale.

(Dictated to the Stenographer directly on computer, corrected, signed and then pronounced by me, in the open Court on this the **8<sup>th</sup> day of November-2024**)

(Sagar Gurugouda Patil)  
Senior Civil Judge & JMFC,  
Sedam.

