

KAKL300007002024



IN THE COURT OF SENIOR CIVIL JUDGE & JMFC, At MALUR

Dated this the 27th day of June 2026

Present:

Sri. Dayanand.M.Belure

B.A., L.L.B.

(Sp1)

Senior Civil Judge & JMFC Malur.

Ex.No. 37/2024

Decree Holder : Smt. Sugunamma

V/s

Judgement Debtor : Sri. Ravindra Dead by his lrs

CAUSE TITLE ON IA NO.III

APPLICANT : 4. Special Land Acquisition Officer

(Judgement Debtor)

V/s

RESPONDENT : Smt.Sugunamma

Order on I.A III filed by Respondent No.4 U/ Sec. 151 of CPC.,

The JDR No.4 has filed above application Under Sec. 151 of CPC., to recall the order dated 03.07.2025 by allowing the application.

2. It is contended in the annexed affidavit, this Court issued arrest notice to the judgement debtor No.4 LAO office on 03.07.2025 and the same was served to Jdr No.4. As per CEO&EM, KIADB, Bengaluru order dated 05.08.2025 Malur taluk and Kolar taluk acquisition matters transferred to their office. The arrest notice was served to Jdr No.4 and thereafter served to their office for further course of acquisition. Hence, he has taken the charge as a Special Land Acquisition Officer, Head Office, KIADB, Bengaluru relating to Malur and Kolar acquisition matters. Immediately the Jdr No.4 contacted the board advocate through their legal department and also prepared the statement of objections and other IA's to file before this Court. On these grounds prays to allow the application.

3. On the other hand Decree Holder has filed objections to the above application and contended that, the DHR's are the legal heirs of the Narayanaswamy who is defendant no. 2 in OS no. 71/2017. The JDR No. 4 have acquired the lands of the Decree Holder, those lands are situated at Mindahalli village. On the basis of properties of the decree holder, the JDR No. 1 to 3 had filed suit against the husband of the decree holder No. 1 and

father of the DHR No. 2 and also JDR No. 4 and another one person in OS. No. 71/2017 before this Court. The above suit has been ended with compromise between both parties under terms and conditions of the compromise petition. As per the final decree passed by this Court is very clear that the defendant No. 2 is entitled for half share in remaining balance compensation amount of mango trees. Further there is a condition in the final decree at page 7 of 4th para last lines that the plaintiff No. 2 and defendant No. 1 is not interfere with the respective shares of the plaintiff No. 1, 3 and defendant No. 2 Narayanaswamy. There is a clear condition in the final decree which cannot be disturb through any parties in the above case. When that being the facts the JDR No. 1(a), 2 to 4 have created illegal document without knowledge of the DHR's. The JDR No. 4 colluded with other JDR's they created illegal documents and same they have cheated the LR's of Defendant No. 2 who are the DHR's herein. The final decree is very clear that they cannot create documents in favour any parties of the case. As such the JDR No. 4 and also other JDR's are liable to pay their compensation amount in respect of the mango trees, to escape from the liability of the JDR

No. 4, he filed this Untenable and illegal application without any legal reasonable grounds.

4. Further, it is contended that the JDR no. 4 colluded with other JDR's have cheated the amount of RS. 80,68,105/. The said amount belongs to the DHR's, who are only liable to receive the above said compensation amount for mango trees. The DHR no. 1 being illiterate women and also LR's of defendant No. 2, taking advantage of their above said status, the JDR's have created illegal document and cheated the compensation amount of the mango trees. The final decree passed by this Court is very clear that the JDR. No. 4 shall pay half share in remaining balance compensation award amount of mango trees. But the JDR No. 4 has failed to comply the final decree passed by this Court. As such the JDR No. 4 is liable to pay the above said compensation amount to the DHR's. for non-compliance of final decree of this Court in the above case the order of arrest warrant passed by this Court is legal which is sustainable under law. On these grounds prays to reject the application.

5. Based on the above pleadings following points would arise for my consideration;

POINTS

- 1. Whether the Respondent No.4 has made out sufficient grounds to allow the application?**
- 2. What order?**

6. On going through the pleadings and documents on record. Having heard the arguments on both side, my answer to the above points as follows:

Point No.1 : In the Affirmative

Point No.2 : As per final order

for the following;

:: REASONS ::

Point No.1 :-

7. The Dhr has filed above execution petition to execute the Final Decree passed in OS No.71/2017. As per the order sheet dated 03.07.2025 this Court issued arrest notice to Jdr No.3 and 4. Thereafter Jdr No.4 did not appear before the Court again on 03.07.2025 this Court issued arrest notice to Jdr

No.4. After service of arrest notice the Jdr No.4 Special Land Acquisition Officer has appeared before the Court and filed above application to recall the order dated 03.07.2025 on the ground that he has taken the charge recently this Court issued arrest notice on 03.07.2025 the same was served to the Jdr No.4 at Bengaluru, thereafter, he has contacted his Board advocate through their legal department and filed objections to the IA's. Therefore, it is requested to recall the order dated 03.07.2025. Admittedly the matter is still adjudicated on merits in the present execution petition, the Jdr No.4 has appeared before the Court through his counsel in response to arrest notice. Therefore continuing of arrest notice against Jdr No.4 no purpose would serve. At this stage Jdr NO.4 has made out grounds to recall the order dated 03.07.2025. Hence, I answer

Point No.1 in the Affirmative.

Point No.2:

8. For the foregoing reasons I proceed to pass the following;

ORDER

IA No.III filed by the Jdr No.4 Under
Section 151 of CPC., is hereby allowed.

The Order dated 03.07.2025 passed by this Court is recalled and consequently issuance of arrest notice to Jdr No.4 is cancelled.

No order as to cost.

(Dictated to stenographer, transcribed and computerized by her, revised, corrected and then pronounced by me in the open court, on this the 27.06.2026)

(DAYANAND.M.BELURE)
Senior Civil Judge Malur.