



**IN THE COURT OF II ADDL. DISTRICT & SESSIONS
JUDGE, AT MANDYA.**

Dated this the 18th day of August 2026.

PRESENT

Sri Hattikal Prabhu S., M.A., LL.M.
*II Addl. District & Sessions Judge,
Mandya.*

Execution No.200/2022

Decree Holder : Sri Kullegowda,
S/o Late Kadegowda,
Aged about 62 years,
R/at B.M. Road, 2nd Cross,
Kalenahalli Village,
Mandya Taluk and District.

(By Sri Vishwanath H.B., Advocate)

- Vs -

Judgment Debtors : 1. The Project Director PIU,
National Highway Authority,
NHAI, NH-275,
(Bengaluru-Mysuru Division)
Site Off : Basavanapura,
Ramanagara.

2. The Spl. Land Acquisition Officer
and Competent Authority,
NHAI, NH-275, No.1541,

*2nd Cross, Vidyanagara,
Mandya.*

(JDR No.1 & 2 By Sruti Chaganti, Advocate)

** * **

ORDERS ON IA No.III

On behalf of Judgment Debtor No.2 this IA No.III dated 31.07.2026 is filed under Order XXI Rule 1 R/w Section 151 of CPC seeking to close the execution petition on the ground that, entire amount is deposited.

2. On behalf of Decree Holder objections filed and application is opposed.

3. Heard both sides and perused the material placed on record.

4. Now the points that would arise for determination of the court is :

1. Whether the Judgment Debtor No.2 established that entire award amount is deposited ?

2. What Order ?

5. After considering the arguments submitted from both sides, my findings on the above said points are as under :

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

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

REASONS

6. **Point No.1** : This is the execution petition in order to enforce the award its bearing no.LAQ/ARB (NH/275) 329/2018 dated 05.01.2021 and amended award dated 09.02.2021. As per Award dated 05.01.2021, after calculating all the benefits available under new LAC Act, 2013, payable amount is calculated as ₹.26,28,287.58/-. As per amended award dated 09.02.2021 ₹.1,17,97,328/- is awarded. This amount is after calculating all the benefits available under new LAC Act, 2013.

7. Thereafter, Judgment Debtor No.1 and 2 were filed Arbitration Suit in AS No.02/2021 on the file of Hon'ble Prl. District and Sessions Judge, Mandya, this Arbitration suit is dismissed on merits as per judgment dated 23.12.2021 and confirmed by the amended award.

8. Thereafter, the Judgment Debtor No.1 deposited ₹.26,28,287/- as per award dated 05.01.2021. Thereafter, this Judgment Debtor No.2 filed the present IA No.III seeking to close the execution petition.

9. This Court observed that, as per amended award the Judgment Debtor has to pay ₹.1,17,97,328/-.

10. It is clear that the amount is not deposited as per award. Hence the Judgment Debtor No.2 failed to establish his contention. Accordingly, I answer **Point no.1 for determination in the Negative.**

11. **Point No.2** : This Execution Petition is filed on 02.06.2022 and thereafter Decree Holder did not take proper and effective steps to execute the decree.

12. Hon'ble Supreme Court as per judgment dated 06.03.2025 in **Crl.A.No.3640-3642/2025 (Periyammal's Case)** and in the decision reported in **(2021) 6 SCC 418 (Rahul S. Shah Vs Jinendra Kumar Gandhi & Ors)** issued directions to 'decide and dispose the execution cases within 6 months from the date of filing'.

13. Hon'ble Supreme Court in its judgment dated 18.11.2022 in **SLP (C) No.19654/2022 (Bhoj Raj Garg Vs Goyal Education and Welfare Society and Others)** clarified that, 'if the Court unable to decide and dispose the execution petition within 6 months there should be proper and acceptable reasons for delay. Further it is made clear that, the executing Court shall not keep

pending the execution petition for the period of more than 6 months in the absence of proper reasons’.

14. *Hon’ble High Court of Karnataka under **circular No.02/2025 dated 01.04.2025** issued directions to ‘decide and dispose the execution petition cases within a period of 6 months without fail, otherwise the concerned Presiding Officer would be answerable to the Hon’ble High Court of its administrative side’.*

15. *In view of directions of Hon’ble Supreme Court and circular of Hon’ble High Court on looking to the papers in this case this Court observed that, without any valid reasons the Decree Holder failed to take proper and effective steps to execute the award. Absolutely no steps taken against Judgment Debtor Nos.1 and 2.*

16. *Under these circumstances this Court observed that, Judgment Debtor No.2 intentionally caused delay and tried to avoid satisfaction of award without any valid reasons. Further, this Court observed that Judgment Debtor No.2 filed frivolous IA No.III with false affidavit in order to cause injury to the rights of the Decree Holder. Under these circumstances this Court come to the opinion that it is proper to dismiss the IA No.III with exemplary cost. Further this court comes to the conclusion that it is*

proper to direct the Judgment Debtor No.1 and 2 to satisfy the award and to report on or before next date of hearing. With these observations as I answer to the point no.2, I proceed to pass the following :

ORDER

*IA No.III filed on behalf of Judgment Debtor No.2 dated 31.07.2026 under Order XXI Rule 1 r/w Section 151 of CPC is hereby **rejected with exemplary cost of ₹.3,000/-**.*

Judgment Debtor No.1 and 2 are directed to deposit the balance amount and to report on or before next date of hearing. Failing which the Decree Holder is directed to take effective and proper steps to execute the award without seeking adjournment.

*(Dictated to the Stenographer-III, transcript typed by her, corrected, signed and then pronounced by me in the Open Court, on this the **18th day of August, 2026**)*

(Hattikal Prabhu S.)

*II Addl. District & Sessions Judge,
Mandya.*

