

**IN THE COURT OF THE I ADDITIONAL SENIOR CIVIL
JUDGE AND JMFC AT PANDAVAPURA**

Dated this the 18th day of March -2026

PRESENT : SRI.BABU N., B.com, LL.B.
I Addl. Senior Civil Judge & JMFC,
Pandavapura.

Ex.P.No:53/2025

Decree Holder : Vasu B.C

(Rep.by Sri. M.S. Adv.,)

V/s

Judgment Debtors : Krishnegowda and others

(Rep.by Sri. C.K.P., Adv.,)

PARTIES IN I.A.No.I

APPLICANT : Vasu B.C
... Decree holder

V/s

OPPONENTS : Krishnegowda and others
... Decree holder

**ORDER ON I.A.NO.1 FILED UNDER ORDER XXI RULE 54
R/W Sec.151 OF CPC**

The decree holder has filed the application for attachment of the application schedule property.

2. In the affidavit annexed to the application it is stated that, the execution petition is filed for realization of decretal amount as per the

Judgment passed in O.S.No.103/2024 and that, the execution petition amount is Rs.6,19,195/- and that, even after filing of the execution petition, the Judgment debtors have not paid the decretal amount and they have willfully refused to pay the decretal amount with a malafide intention to deprive the benefit of the decree and that, the decree holder does not have any other alternative for him except to attach the property which was acquired by the Judgment debtor No.1 under a sale deed and that, if the application was not allowed the decree holder would suffer irreparable loss and injury and that, if the application was allowed the judgment debtor will not suffer any loss and injury.

3. The application is resisted by the Judgment debtors stating that, they have filed a petition in Misc.No.2/2026 to set aside the exparte decree passed in O.S.No.103/2024 and the said petition is at the stage of trial and that, an application is also filed in the Misc.petition to stay the execution petition proceedings till disposal of the Miscellaneous petition and that, there is no provision to initiate action against the JDr and that, they hail from agricultural family and they are dependent on agriculture for their livelihood and that, the suit schedule property is the only property which is available to them and if the same was attached then they will be thrown on to street and hence the application shall be dismissed.

4. Following points do arise for consideration:-

- 1) Whether the decree holder has made out grounds to attach the application schedule property?
- 2) What order?

5. Having heard learned counsel for the respective parties and considered the material on record, I have answered the above points as below:

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

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

REASONS

6. POINT No.1:- The decree holder has filed the execution petition for execution of decree dated 21.07.2025 passed in O.S.No.103/2024. The decree holder has annexed a certified copy of Judgment and decree passed in O.S.No.103/2024. A perusal of it shows that, the decree holder had instituted the suit for recovery of money based on On-demand promissory note and the court has decreed the suit directing the defendants to pay a sum of Rs.5,02,675/- together with interest at the rate of 1.5% p.m. on the principal loan amount of Rs.4,50,000/- from the date of the suit till the date of payment within 30 days. Pursuant to the said Judgment and decree, the decree holder has filed the execution petition for a sum of Rs.6,19,195/- including cost and interest. It is not in dispute that, the judgment debtors have not yet satisfied the decree.

7. The judgment debtors have stated that, they have filed the miscellaneous petition to set aside the exparte decree passed against them in O.S.No.103/2024 and hence the decree cannot be executed. Even though, the Judgment debtors have stated so, it is not their case that, there is an order of stay of the judgment and decree dated 21.07.2025 passed in O.S.No.103/2024.

8. The execution petition is dated 01.09.2025. In view of the directions issued by the Hon'ble High Court of Karnataka pursuant to judgment dated 06.03.2025 in Civil Appeal Nos.3640-3642/2025 of the Hon'ble Supreme Court of India the execution petitions are required to be disposed of within 6 months.

9. As the judgment debtors have not satisfied the decree till today it is proper and necessary to attach the application schedule property to satisfy the decree at the earliest. The decree holder has produced a RTC along with the application. A perusal of RTC and MR extract shows that, the property bearing Sy.No.25/13 measuring 1 acre 06 guntas of Jagatemalenahalli village stands in the name of Krishnegowda S/o Kullegowda. Therefore it is crystal clear that, the application schedule property stands in the name of Judgment Debtor No.1. Under these circumstances, there shall not be any impediment to attach the application schedule property as prayed for in the application. Hence, **I answer Point No.1 in the Affirmative.**

9. POINT NO.2:- Having answered Point No.1 in the Affirmative, I proceed to pass the following:

ORDER

The IA No.I filed under Order 21 Rule 54 R/w Sec.151 of CPC is allowed.

The Judgment debtors are prohibited from transferring or charging application schedule property in any way and all persons are also prohibited from taking any benefit from such transfer or charge.

The Judgment debtors shall appear before the court on 25.03.2026 to take notice of the date to be fixed for settling the terms of proclamation of sale.

Call on 25.03.2026.

(Dictated to the Stenographer, transcribed by her, transcript corrected and the same is pronounced by me in the open Court on **18th March -2026**)

(BABU N.)

I Addl. Senior Civil Judge & JMFC,
Pandavapura.

(Order pronounced in the open Court
vide separate order)

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