

Order on I.A.No. II

The application I.A.No.II filed by the DHR U/O 21 Rule 54 of CPC to attach the immovable property stated in the application which belongs to the Judgment Debtor.

2. The application is supported by affidavit of the DHR and it is sworn that he filed the present petition for recovery of amount of Rs.6,40,393/- which is the outstanding amount as on 24.09.2019. After filing the present Execution Petition, the Judgment Debtor has not paid the amount even though he got sufficient means to pay the amount. The Judgment Debtor has willfully disobeyed the judgment and decree passed by this court. Therefore it is necessary to attach the immovable property stated in the application. It is also sworn that except the Judgment Debtor no other persons are having right over the said property. Hence prayed to allow the application.

3. The Judgment Debtor has not filed any objection to the application.

4. Heard the arguments of counsel for DHR.

5. The DHR has filed the present application for attachment of immovable property stated in the application. On perusal of the Execution Petition filed by the DHR, he filed the present petition for recovery of a sum of Rs.6,40,393/- as per the judgment passed by this court in O.S.No.69/2019 in a suit for specific performance of contract. The order sheet reveals that after filing the present petition in pursuance of the notice the JDR appeared before the court but he has not paid the decreed amount in spite of attachment of immovable property. Now the

DHR has filed application for attachment of the immovable property which belongs to the JDR. The DHR along with application has produced the tax demand extract in respect of properties bearing Sy.No. No. 97/1 measuring 0.26 guntas situated at Holehundi Village, Hampapura Hobli, H.D.Kote Taluk, Sy.No. No. 97/2 measuring 0.31 guntas situated at Holehundi Village, Hampapura Hobli, H.D.Kote Taluk, Sy.No. No. 97/4 measuring 0.16 guntas situated at Holehundi Village, Hampapura Hobli, H.D.Kote Taluk and Sy.No. No. 97/4 measuring 0.16 guntas situated at Holehundi Village, Hampapura Hobli, H.D.Kote Taluk. On perusal of the said RTCs, the same are stand in the name of JDR. Further the DHR has also produced encumbrance certificate relating to said properties. On perusal of said documents produced along with application, it is clear that the immovable property mentioned in the application belong to the JDR. By considering the reasons stated in the affidavit and for the recovery of the amount claimed in the petition, it is necessary to attach and sell the said property for recover of decreed amount. Therefore by considering the reasons stated in the application the same deserves to be allowed. Hence this court proceed to pass following:

ORDER

**The application I.A.No.II filed by DHR
U/O 21 Rule 54 of CPC is hereby allowed.**

**In the result an order of prohibitory
injunction is passed against the judgment**

debtor and to the public generally and this prohibitory order bars the judgment debtor from transferring or charging the properties bearing Sy.No. No. 97/1 measuring 0.26 guntas situated at Holehundi Village, Hampapura Hobli, H.D.Kote Taluk, Sy.No. No. 97/2 measuring 0.31 guntas situated at Holehundi Village, Hampapura Hobli, H.D.Kote Taluk, Sy.No. No. 97/4 measuring 0.16 guntas situated at Holehundi Village, Hampapura Hobli, H.D.Kote Taluk and Sy.No. No. 97/4 measuring 0.16 guntas situated at Holehundi Village, Hampapura Hobli, H.D.Kote Taluk in any way and all persons from taking any benefit from such transfer of charge.

Judgment debtor is directed to appear before the court on 15.03.2025 for settling the terms of proclamation of sale.

Call on . 15.03.2025.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 22nd day of February, 2025)

**(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**