

Order on I.A.No. IV

The application I.A.No.IV 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 Debtors.

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.31,78,290/- which is the outstanding amount as on 13.06.2022. After filing the present Execution Petition, the Judgment Debtors have not paid the amount even though they got sufficient means to pay the amount. The Judgment Debtors have 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 Debtors 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.31,78,290/- as per the judgment passed by this court in O.S.No.18/2020 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 they have not paid the decreed amount in spite of attachment of immovable properties. 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 property bearing assessment No. 802/403 measuring 20X50 feet situated at Bovi Colony of H.D.Kote Town. On perusal of the said assessment register, the same is stands in the name of JDR No.2. Further the DHR has also produced encumbrance certificate, boundary certificate relating to said property. On perusal of said documents produced along with application, it is clear that the immovable property mentioned in the application belong to the JDR No.2. 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.IV 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
debtors and to the public generally and this
prohibitory order bars the judgment debtors
from transferring or charging the property
bearing assessment No. 802/403 total
measuring to an extent of 20X50 feet out of
which 20X29 feet of residential building**

**situated at Ward No.12, Bovi Colony of
H.D.Kote Town, H.D.Kote Taluk in any way
and all persons from taking any benefit from
such transfer of charge.**

**Judgment debtors are directed to appear
before the court on 11.09.2024 for settling
the terms of proclamation of sale.**

Call on .11.09.2024.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected
and then pronounced by me in the open Court on this the 14th day of August 2024)

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