

The DHR has filed this application/I.A. No.I under Order 21 Rule 54 of CPC seeking attachment and sale of immovable property bearing Sy.No.73 measuring to an extent of 2.00 acres out of totally measuring 8.00 acres situated at Anagatti village, Antharasanthe Hobli, H.D.Kote Taluk.

In the accompanying affidavit it is stated that, the D.Hr has filed the suit against the J.Dr in OS No.258/2015 seeking recovery of money. The said suit has been decreed in favor of this D.Hr. Accordingly he has filed this Execution petition against the J.Dr for recovery of Rs.3,09,000/-. But the J.Dr has not paid the amount till date. Hence, this application.

Order 21 Rule 54 of CPC speaks about attachment of immovable property. It is as follows:

"Order 21 Rule 54. Attachment of immovable property. (1) Where the property is immovable, the attachment shall be made by an order prohibiting the Judgment Debtor from transferring or charging the property in anyway and all persons from taking any benefit from such transfer or charge.

(1A) The order shall also require the Judgment Debtor to attend court on a specified date to take notice of the date to be fixed for settling the terms of the proclamation of sale.

(2) The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and then upon a conspicuous part of the court house, and also, where the property is land paying revenue to the Government, in the office of Collector of the District in which the land is situate and where the property is land situate in a village, also in the office of the Grama panchayath, if any having jurisdiction over that village.

Before attachment and sale of property there must first be an order prohibiting the Judgment Debtor from transferring or

charging the property in anyway and secondly the order must be proclaimed by beat of tom tom near the property and copies of the prohibitory order must be affixed on a conspicuous place of the court house, on a conspicuous part of the court house and where the property is situated in village and land paying revenue to the Government in the office of the Collector of the district in which the land is situate.

In this case, the JDR intentionally evading to payment of decretal amount inspite of issuance of notice. Hence, it is necessary to issue prohibitory order against JDR No.1 from transferring or charging the property bearing Sy.No.73 measuring to an extent of 2.00 acres out of totally measuring 8.00 acres situated at Anagatti village, Antharasanthe Hobli, H.D.Kote Taluk. Accordingly, this court proceed to pass the following:

ORDER

IA No.I filed under Order 21 Rule 54 of CPC is hereby allowed.

The JDR No.1 is hereby restrained from transferring or charging the property bearing Sy.No.73 measuring to an extent of 2.00 acres out of totally measuring 8.00 acres situated at Anagatti village, Antharasanthe Hobli, H.D.Kote Taluk in anyway.

The said order is proclaimed by way of tom tom near the property and said order must be affixed on a office of the Tahasildar, office of concerned gramapachayath and also court premises.

Office to issue above said order for compliance. After compliance of the above said prohibiting order the Tahasildar, H.D.Kote is directed to attach the above said property and submit before the court.

Call on 22.07.2024

Addl. Civil Judge & JMFC,
Heggadadevanakote.