

**ORDERS ON INTERIM APPLICATION
FILED UNDER ORDER 21 RULE 48
R/W SEC. 151 OF CPC**

The counsel for Dhirs has filed this application with a prayer to attach the 1/3rd of salary of the Jdr in order to fulfill the decretal amount.

2. In the accompanying affidavit the Dhr No.1 has stated that they have filed the execution petition against the Jdr for recovery of decretal amount. In spite of service of cause notice the Jdr has not has complied the decree. That the JDr is working in the department of health and family welfare, Paduvalahippe, Holenarasipura Taluk, Hassan District and drawing monthly salary of Rs.47,174/-. Hence, it is prayed to attach the salary of the Jdr. If this application is allowed no hardship would be caused to the Jdr. Hence, this application.

3. In spite of service of cause notice to Jdr failed to appear before the court. Hence, his objection was taken as not filed as per order dated 13.06.2022.

4. Heard the counsel for DhRs and perused the materials on record.

5. The point that arises for the consideration is:

I) Whether the Dhr No.1 has made out sufficient grounds for attach the 1/3rd salary of Jdr?

6. Findings to the above point is in the **affirmative**, for the following:

REASONS

7. The execution petition is filed by the DhRs in order to execute the judgment and decree passed in OS 333/2013. Wherein, this court has order that the plaintiff No.1 is entitled for maintenance for a sum of Rs.4,000/- per month and plaintiff No.2 and 3 are entitled for maintenance of Rs.3,000/- each per month from the date of filing of the suit.

8. The has failed to make the payment within the stipulated time. That apart, he has not made payment in the execution petition and failed to abide the terms and conditions of the judgment and decree. Therefore, the Jdr has shown negligence in abiding the Court order and in

fulfilling the decree. Thus, the DhRs are entitled for attachment of salary of Jdr as prayed for. The salary slip produced by the DDO shows the Jdr is drawing Rs. 35,249/- per month as a net salary. Hence, in view of the above discussion the Court answers the above point in the affirmative and proceeds to pass the following.....

ORDER

The I.A. filed U/O 21 R 48 r/w Sec. 151 of CPC is hereby allowed. The DDO/AAO of department of health and family welfare, Paduvalahippe, Holenarasipura Taluk, is directed to deduct 1/3rd of the JDr's salary and remit the same to this court until realization of claim amount. Issue warrant of attachment of salary if PF paid R/by 22.07.2022.

Sd/-

Prl. Civil Judge and JMFC,
K.R.Nagara.