

**ORDER BELOW EXH.13 IN ARBITRATION REGULAR DARKHAST
NO.1455/2022.**

- 1) The decree holder has moved this application for seeking amendment in the execution petition (at Exh.1) vide Rule 17 of Order VI read with Section 151 of the Code of Civil Procedure.
- 2) Read the application and say filed by Judgment Debtor No. 2 at Exh. 19.
- 3) In this application, the decree holder contended that the decree holder has filed this execution for claiming statutory benefit i.e., interest from 30/06/2022 to 20/02/2024 on principle amount. Hence, this application.
- 4) Judgment Debtor No. 2 contested this application by filing say at Exh. 19 and submitted that, execution petition is not pleadings therefore Rule 17 of Order VI of the Code of Civil Procedure is not applicable to the same. This application is not maintainable. On these grounds, Judgment Debtor No. 2 urged for dismissal of this application.
- 5) On going through the record and proceeding it seen that the present execution petition is filed for recovery of statutory benefit i.e., interest from 30/06/2022 to 20/02/2024 on principle amount. The objection raised by the Judgment Debtor is hyper technical one. Such objection would not nullify the decree in question. In fact, the Decree Holder is entitled to the statutory benefit as per the provisions of Land Acquisition Act, 1894. In this view, the said application is for correcting interest amount in the execution petition. Therefore, the proposed amendment in the execution petition is necessary. The proposed amendment would not change basic structure of this petition nor causes prejudice to the judgment

debtors. Thus, this application deserves to be allowed. Accordingly, following order is passed.

:- O R D E R :-

- 1) This application is allowed subject to condition that the decree-holder shall carry out proposed amendment in the execution petition on today itself.

Date : 12/08/2024.

Place : Jalgaon

(Sharad S. Pardeshi)
3rd Joint Civil Judge Senior Division,
Jalgaon