

**ORDERS**

The present execution petition filed by DHrs in pursuance of Award in LAC.No.137/1991 dated 24.10.2005.

2. The record shows that earlier to this execution petition DhRs filed two execution petitions i.e. Ex.Pet.No.192/2006 and Ex.Pet.No.173/2012.

3. This Court secured the entire records of LAC.No.137/1991, Ex.Pet.No.192/2006 and Ex.Pet.No.173/2012.

4. On perusal of the order sheet in Ex.Pet.No.192/2006 discloses that SLAO deposited an amount of Rs.10,62,249/- under CCD.No.698/2007-08 dated 25.3.2008. In the said execution petition the learned counsel for DHrs filed payment application and this Court passed payment order on 5.4.2008 and the DHrs received account payee cheque of said amount on 10.4.2008 and said execution petition is disposed on 7.6.2008.

5. On perusal of the order sheet in Ex.Pet.No.173/2012 (second execution petition) it discloses that SLAO deposited an amount of Rs.32,66,856/- under CCD.No.110/2014-15 dated 4.8.2014. In the said execution petition the learned counsel for DHrs filed payment application and this Court passed payment order on 15.10.2014 and the DHrs received account payee cheque of said amount on 21.11.2014 and said execution petition is closed on 16.12.2019.

6. On perusal of the calculation made in the present execution petition the learned counsel for DHrs is not deducted the amount of Rs.10,62,249/- which is received in Ex.Pet.No.192/2006. Further the execution petition does not disclose any calculation memo with respect to acquired land extent. Further the learned counsel for DHrs claiming interest from 2012 to 2020, but the DHrs already received the amount in the year 2014 to the tune of Rs.32,66,858/-. The second execution petition is closed in the year 2019 and in this petition also the

learned counsel for DHrs claiming interest till 15.10.2020.

7. Further on perusal of the award the award is passed in the year 2005, more particularly on 24.10.2005. The present execution petition is filed on 21.8.2020 already 12 years is lapsed. Further the learned counsel for DHrs not shown the earlier amount received in the Ex.Pet.No.192/2006.

8. The learned counsel for DHrs shown Rs.11,95,933/- in the present execution petition as starting amount, but there is no any calculation. Though the present execution filed by legal heirs of deceased claimant, but all the signature of DHrs is not found in the execution petition. The entire calculation shown in the present execution petition does not disclose the actual balance amount and interest and also the amount paid by the SLAO. Hence, the claiming of interest without showing the earlier amount received is not proper and also the execution petition does not disclose the quantum of balance award amount as per award in LAC.NO.137/1991. Hence, the

entire calculation shown in the present petition not in consonance with award passed by this Court in LAC.No.137/1991.

9. As far as claiming of deducted income tax is concerned, the DHrs not produced any document to show that the DHrs are paid the income tax and also DHrs not produced the returns filed by them to income tax authorities. Since the SLAO already deposited the deducted income tax amount to income tax authority in the year 2014 and after deducting the income tax amount, the compensation amount is deposited before this Court. This court is already made observation in closing the execution petition No.173/2012 which is disposed on 16.12.2019. The award is passed in the year 2005 and learned counsel for DHrs come up with this present execution petition after lapse of 12 years. With this observation, **present execution petition is closed.**

10. No order as to cost.

**Ex.No.112/2020  
ORDERS**

**11. Office is directed to send back the entire records of LAC.No.137/1991,Ex.Pet.No.192/2006 and Ex.Pet.No.173/2012 to record room.**

**Addl. Sr. Civil Judge, Karwar.**