

ORDER ON IA NO. I

The decree holder has filed this application Under Order 21 Rule 54 r/w Sec. 151 of CPC to order for attachment of immovable properties belonging to Jdr No.1 situated at Baad -I Village, Baad Hobali, Karwar Taluk bearing Revenue Sy.No. 97+98 Hissa 1 area 0-0-6 out of 3-9-5 and the residential house situated there in bearing Karwar CMC House No. 2682B/9 having ground floor and first floor(approximately value of the property is at Rs. 5,00,000/-) standing in the name of Jdr.No.1 and to sell the same in public auction towards recovery of decree amount.

Inspite of sufficient opportunities are given, the Jdr has not filed objections. Hence, taken as not filed.

Heard C/Dhr on IA No.I and perused the records.

On perusal of records, it indicates that the decree holder has filed this Ex. Petition under order 21 Rule 11 of CPC for recovery of money of Rs.8,21,551/- being the award passed in JRD/UBF/1697/2021-22, dtd.16-02-2022. Since from the date of award, the Jdrs has not paid amount. The Jdrs has failed to comply the award and thereby failed to pay the execution amount to the Dhr.

It is stated in the affidavit that the Jdr No.1 has not paid the award amount and the property is standing in the name of Jdr No.1 which has been mortgaged with society and in spite of several steps taken, the Jdrs has avoided the payment and Jdr No.1 is having properties and therefore the Dhr has no option but to take the steps for attachment

and sale of properties. These facts have not been seriously disputed by the Jdrs.

Under these circumstances, in order to satisfy the award amount, it is just and necessary to attach the properties standing in a name of Jdr No.1 .

Hence, I proceed to pass the following:

ORDER

IA No.I filed by the Dhr U/o 21 Rule 54 r/w sec. 151 of CPC is hereby allowed with cost.

The Property belonging to Jdr No.1 situated at Baad -I Village, Baad Hobali, Karwar Taluk bearing Revenue Sy.No. 97+98 Hissa 1 area 0-0-6 out of 3-9-5 and the residential house situated there in bearing Karwar CMC House No. 2682B/9 having ground floor and first floor (approximately value of the property is at Rs. 5,00,000/-) standing in the name of Jdr No.1 Sri Shyamsundar raghuram Gokarna is hereby attached.

The Jdr No.1 is prohibited from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge.

Issue notice to Jdr No.1 as per order 21 Rule 54(1A) of CPC to attend court in the next date of hearing without fail to take notice of

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the date to be fixed for settling the
terms of the proclamation of sale.

Call on: 10-03-2023

Sd/-
Prl. Senior Civil Judge,
Karwar.