

KAUK510010942022



ORDERS ON MAINTAINABILITY OF
THE PETITION ON THE POINT OF
LIMITATION

The Court has gone through the entire materials.

The award was passed on 02.08.2009 and this petition is filed on 05.07.2022. Within 12 years from the date of passing of award, the DHR Bank has initiate proceedings for execution of award. On or before 02.08.2021, the DHR Bank ought to have been filed execution petition for execution of award. However, the present petition is filed on 05.07.2022.

In view of the same, question as to limitation has been raised by the Court. To show that, the present petition is not barred by law of limitation. The learned counsel for the DHR Bank has produced various documents and argued that, before filing of

the present petition, the DHR Bank already initiated proceedings before the competent Court for execution of the award and thereafter, the concerned authority has directed the DHR Bank to initiate proceedings before the Civil Court to execute the award and as such, the DHR Bank has filed the present petition. In this regard, the Court has perused the documents relied upon by the DHR Bank. The said documents disclose that, before filing of the present petition, the DHR Bank had already initiated proceedings before the competent authority for execution of the award. Thereafter, the concerned authority has directed to approach the Civil Court. When such being the case, the period of proceedings which was pending before the concerned authority has to be excluded while computing the limitation and if the said period is excluded, the present petition cannot be held as barred by law of limitation. Since the DHR Bank has not given any details regarding the execution proceedings pending before the concerned authority in the main petition, this Court has

raised the issue of limitation suo-motu. However, the DHR Bank has produced the documents to show that, the present petition is not barred by law of limitation. Having regard to the documents relied upon by the DHR Bank, it is considered opinion of the Court that, the present petition is not barred by law of limitation. As such, the petition is maintainable.

For further steps, call on 07.02.2024.

**Civil Judge and J.M.F.C.,
Haliyal.**