

KAUK510010942022



ORDER ON I.A.NO.I

The instant application is filed by the DHR Bank under Order XXI Rule 54 R/w Section 151 of C.P.C for attachment of the agricultural land bearing Block No.40/2A measuring 01 acre 35 gunthas of Jogankoppa Village of Haliyal Taluka which is belongs to JDR No.1.

The Manager of DHR Bank has filed an affidavit annexed with instant application wherein, he has deposed that, JDRs No.1 to 3 are the willful defaulters. The JDR No.1 is the owner of the aforesaid agricultural land and the record of rights of the said land is submitted separately and prays to attach the said agricultural land to recover award amount.

On the other hand, inspite of issuance of notice on I.A No.I, the JDRs have not appeared before the Court and filed any objections to I.A No.I.

The present execution petition is for recovery of decretal amount awarded in No.DRN:F:DDS:138:09-10 dated 07.08.2009. According to the DHR Bank, the JDRs No.1 to 3 are willful defaulters to satisfy the decretal amount and as such, they are constrained to file the instant application to attach the aforesaid land. In support of the instant application, the DHR Bank has produced RTC of Block No.40/2A measuring 01 acre 35 gunthas of Jogankoppa Village of Haliyal Taluk.

The Court has gone through the entire materials. Admittedly, the decretal amount has not been paid by the JDRs. As per Award passed by Arbitrator in No.DRN:F:DDS:138:09-10 dated 07.08.2009, the present JDRs are liable to pay an amount which is mentioned in the Award along with interest.

On perusal of entire records, it is noticed that, the DHR Bank has produced RTC of agricultural land bearing Block No.40/2A of Jogankoppa Village on 06.02.2023 with list of document and as

per said RTC, the entire 01 acre 35 gunthas of land is standing in the name of JDR No.1.

When the JDRs have failed to pay the decretal amount, the DHR Bank has taken steps for attachment of aforesaid land to recover the amount. On going through the records, it is considered opinion of the Court that, the land which is proposed to be attached belongs to the JDR No.1. It is to be noted that, the JDRs are liable to pay award amount. When JDRs have failed to pay the decretal amount even after giving the sufficient time, the Court has left no option other than to take coercive steps to recover decretal amount. Hence, the Court proceeds to pass the following:

ORDER

I.A.No.I filed by the DHR Bank under Order XXI Rule 54 R/w Section 151 of C.P.C is hereby allowed.

The land bearing Block No.40/2A of Jogankoppa Village of Haliyal Taluka measuring to an extent of 01 acre

35 gunthas is hereby attached by way of a prohibitory order.

The JDR No.1 is hereby restrained and prohibited from alienating or selling or transferring or disposing off or mortgaging or creating charge over the land bearing Block No.40/2A of Jogankoppa Village of Haliyal Taluka measuring to an extent of 01 acre 35 gunthas in any manner.

Issue attachment warrant/prohibitory order against the JDR No.1 in Form No.24 of Appendix-E of C.P.C to take notice of the date to be fixed for settling the terms of proclamation of sale on 12.06.2025.

Issue attachment warrant/prohibitory order as per Order 21 Rule 54(2) of C.P.C in Form No.24 of Appendix-E of C.P.C.

The DHR Bank shall pay necessary P.F.

Ex.No.76/2022

Call on for settling the terms of
proclamation of sale by 12.06.2025.

No order as to costs.

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