



**IN THE COURT OF SENIOR CIVIL JUDGE AND JMFC  
HONNAVAR**

**Dated this the 14<sup>th</sup> day of June 2024**

**Present: Chandrashekhar E Banakar, B.A.LL.B.LL.M,  
Prl.Civil Judge and J.M.F.C., Honnavar  
Ex.105/2023**

**DHR :** **Sharavati Pattina Sahakara Sangha Niyamita,**  
Honnavar, Tq: Honnavar. Chief executive officer,  
Sri. Yogish Appu Naik, Age: 48 years,  
R/o. Kasabagundibail, Tq.Honnavar,  
(By Sri. KVN Adv)

**V/s**

**JDRs :**

- 01. Ismahil Moosa Pandit**  
R/o. Tonka, Post: Kasarkod,  
Tq: Honnavar. U.K.,
- 02. Vidya Manjunath Mesta,**  
R/o. Gandhinagar, Post: Honnavar, Tq: Honnavar.  
U.K.,
- 03. Reshma Hamaja Shekh,**  
R/o. Tonka, Post: Kasarkod,  
Tq: Honnavar. U.K.,  
(By Sri. PGT Adv)

**ORDERS ON PLEA OF NO MEANS**

This Execution Petition is filed by the DHR for recovery of money of Rs.97,791/- from the JDRs.

2. In pursuance of receipt of cause notice issued to the JDRs, they have appeared before this Court through their Advocate and filed his objections pleading no means and thereby prayed to dismiss the petition.

3. I have heard the arguments.

4. Points that arise for my consideration is as follows:

1) Whether the JDRs prove that they have no means to pay the award amount?

2) What order?

5. My answer to the above is as follows:

Point no.1 : In negative.

Point no.2 : As per final order for the following:

**REASONS**

6. **Point no.1:-** The present EP is the out come of the award passed Assistant Registrar, Co-operative Society. The present EP is for recovery of the award amount to the tune of Rs.97,791/-. Admittedly the JDRs have not preferred any appeal as against the award passed in the above referred claim petition. In the objection filed by the JDRs, they have pleaded that they have no means to pay the award amount.

7. The JDRs in their objection have contended that they have no intention to not to pay the loan amount the DHR. But they are financial very weak and they are not in position to pay the loan amount and they have no source of income to pay the loan amount. Hence, on these grounds they prayed to dismiss the petition.

8. But to show that they have no means to pay, the JDRs have not produced any oral or documentary evidence before the Court. In absence of such proof, this Court cannot allow the contentions raised in the objection. Hence, the objection raised by the JDRs. For this reason, I answered point No.1 in negative.

**ORDER**

The plea of no means is rejected.

For steps, call on 17/08/2024.

**Pri. Civil Judge & JMFC,  
Honnavar.**