

KAVP010016672025



Presented on : 10-03-2025
Registered on : 12-03-2025
Decided on : 01-08-2025
Duration : 4 Months, 19 Days

**IN THE COURT OF III ADDL.DISTRICT JUDGE AND
ADDL.LAND ACQUISITION, REHABILITATION AND
RESETTLEMENT AUTHORITY, VIJAYAPURA**

Present:

SRI.Khadarsab Husensab Benakatti
B.A., LL.M.,
III Addl.District & Sessions Judge
Vijayapura.

Dated this 01st day of August 2025

E.P.No.402/2025

Decree Holders/Claimants:

1. Prakash S/o Chandrashekhar Bikanavar,
Age: 45 yrs, Occ: agri.,
2. Sidramappa S/o Chandrashekhar Bikanavar,
Age: 42 yrs, Occ: agri.,
3. Sagar S/o Chandrashekhar Bikanavar,
Age: 40 yrs, Occ: agri.,
All are R/o Nagaraldoni, Tq.B.Bagewadi,
Dist: Vijayapura,

[By Sri.S.M.Choudhari, Advocate]

// Versus //

Judgment-Debtor/Respondent:

The Special Land Acquisition Officer,
UKP, Almatti, Tq. B.Bagewadi,
Dist: Vijayapura.

[By Sri.S.S.Garasangi, Spl. Govt. Counsel]

i.	<i>Provision under which the application is filed</i>	<i>U/O 21 Rule 41(2)of CPC</i>
ii.	<i>Relief sought for</i>	<i>Issue direction to J.Dr</i>
iii.	<i>The date on which the application is filed</i>	<i>22-07-2025</i>
iv.	<i>Number of the application</i>	<i>I/2025</i>
v.	<i>The date on which the objections are filed by the opponents</i>	<i>25-07-2025</i>
vi.	<i>The date on which the orders were passed on the said application</i>	<i>01-08-2025</i>

Order on I.A.I

The Decree-Holders (D.Hrs) have filed instant I.A.No.I U/O XXI Rule 41(2) of CPC for issuance of directions to the Judgment-Debtor (J.Dr) to file affidavit on details of movable and immovable assets, number of bank accounts, Bank statement of accounts (SB and current account for last 3 years), details of grants received from Government of Karnataka for land acquisition pertaining to Krishna River Project Stage-III and details of Fixed Deposits of all banks with accrued interest thereon.

2. The D.Hr. No.2 has filed affidavit along with I.A.No.I wherein he sworn in that LAC No.1537/2020 came to be decreed on 14.07.2023. Against the said judgment and award, the J.Dr has not preferred any appeal. Subsequently, Chief Law Officer, Centralized Legal Cell, Bangalore has issued opinion as not fit case to file appeal on 27.09.2023. Even after taking decision not to prefer an appeal, the J.Dr. has not deposited award amount. Therefore, claimants have filed present Execution Petition. In the Execution Petition also, J.Dr is not ready to deposit the award amount. Accordingly, prayed for issuance of necessary directions as sought in the application.

3. The advocate for the J.Dr has filed objections by denying the averments made in the affidavit annexed to the application. He further contended that J.Dr has not held any assets of the SLAO. The D.Hrs have filed application by misleading the court. He further contended that J.Dr has already preferred appeal against the award passed in LAC No.1537/2020 in MFA-FR No.203159/2025 on the file of Hon'ble High Court of Karnataka, Kalaburagi Bench.

Same is pending for consideration. Accordingly prayed for dismissal of the application.

4. Heard both sides and perused the materials available on record.

5. For disposal of this application, the following Points would arise for my consideration:

1. Whether the application filed by the D.Hrs U/O XXI Rule 41(2) of CPC deserves to be allowed?

2. What Order ?

6. My findings on the above Points are as under;

Point No.1: In the Affirmative.

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

REASONS

7. **Point No.1:** The learned counsel for the D.Hr has argued that this court has passed award in LAC No.1537/2020 on 14.07.2023 itself. Till today J.Dr has not deposited the award amount. The J.Dr purposely avoiding to fulfill the decree. Accordingly prayed to allow the application. Per contra, learned counsel for the J.Dr has argued that J.Dr has challenged the award passed in LAC No.1537/2020

and said appeal is pending for consideration. Hence, present application is not maintainable. Accordingly, prayed for dismissal of the application.

8. On perusal of entire material available on record. It is undisputed fact that claimants have filed reference petition in LAC No.1537/2020 and same came to be allowed in part and award has been passed on 14.07.2023 and the market value of the acquired land has been fixed @ Rs.22,500/- Per Gunta. It is further admitted that J.Dr has not filed appeal within prescribed period and have took a decision that it is not a fit case to prefer appeal. Even after taking decision not to prefer appeal, have not deposited the award amount. Therefore, the D.Hrs have filed present application.

9. The main contention of the counsel for the J.Dr is that appeal has been preferred and hence EP is not maintainable. It is well settled law that mere filing an appeal will not amount to stay of operation and execution of decree/award. Hence, there is no water in the argument advanced by the learned counsel for the J.Dr. The D.Hrs have sought for furnishing the

details of SLAO UKP Almatti. They sought the official details of assets of SLAO UKP Almatti. That in a decision reported in **ILR 1992 KAR 2799** (SLAO Vs. *Deputy Chief Engineer*), Hon'ble High Court has held that "*Court can direct J.Dr for furnishing the details by filing the affidavits.*" Admittedly, J.Dr has not deposited the award amount since two years and he is protracting the matter and the land-losers are knocking the doors of this authority for compensation.

10. It is well settled law that when decree has been passed by the competent court of law, it is the duty of J.Dr to comply the same within stipulated period. But here in this case, inspite of taking the decision not to prefer an appeal, the J.Dr is not ready to deposit the award amount. Hence, in order to execute the award passed in the above said LAC, it is just and proper to issue necessary directions to the J.Dr to furnish the details as sought in the I.A.I. Accordingly, Point No.1 is answered in the Affirmative.

11. **Point No.2:** In view of my finding on above said points, I proceed to pass the following:

ORDER

I.A.No.I filed by the D.Hrs U/O XXI Rule 41(2) of CPC is hereby allowed.

The J.Dr is hereby directed to file Affidavit within 20 days from the date of this Order with regard to details of movable & immovable assets, bank accounts, details of Fixed Deposits if any and also details of amount received and utilized under the Krishna River Project Stage-III held in the name of SLAO UKP Almatti as prayed in I.A.No.I.

No order as to the costs.

For compliance, call on

[Dictated to the Steno-Gr-I directly on the Computer, script corrected and then pronounced by me in the Open Court on this the 01st day of August, 2025]

[Khadarsab Husensab Benakatti]
III Additional District Judge
& Additional Land Acquisition,
Rehabilitation & Resettlement Authority,
Vijayapura.
