

Order below Exh.13 in Special Darkhast No. 181/2023
Nagarbai Nanaji Shelke
Vs.
Competent Authority and Spl. Land Acq. Officer etc.

The DH has filed this application for issuing attachment warrant against the JD No.2 by contending that the amount of Rs.2,46,46,659/- is due from the JD No.2. Though the JD No.2 has appeared but not deposited the amount of compensation. So this application for attachment of immovable properties described in Annexure-A.

2. The JD No.2 filed reply vide Exh.31 and resisted this application by contending that this Court has no territorial jurisdiction to execute the award. The JD is appeared in the proceeding and conducting the matter. When the objection about jurisdiction is raised, that time there is no question of attachment of the properties of the JD. So urged to reject the application.

3. Heard the Ld. Advocate appearing for both the sides. Gone through the material on record.

4. The JD has filed an application vide Exh.17 under Section 39(4) of the Code of Civil Procedure and taken objection about the territorial jurisdiction of this Court to execute the

arbitral award. After hearing both the sides, the said application came to be rejected on 22.09.2025.

4.1. Thereafter, the JD No.2 has also filed an application vide Exh.36 and taken objection that the award is an instrument chargeable with duty under Section 3 of the Indian Stamp Act. The award under execution is not duly stamped, so it is inadmissible and it cannot be executed. Today this Court passed order below Exh.36 and rejected the said application.

4.2. The JD No.2 has also filed reply to the execution petition vide Exh.10 by contending that the JD No.2 has challenged the said award before the Hon'ble Principal District Judge Satara under Section 34 of the Arbitration and Conciliation Act.

So far as this submission is concerned, the DH has produced on record a copy of application i.e. Civil M.A. No.229/2022 filed before the District Court Satara. It appears that, in the said matter an application vide Exh.5 was filed for stay to the execution of award. In that matter, the Hon'ble P.D.J Satara passed an order on 01.04.2024. The said application was allowed subject to depositing 50% of the compensation awarded by the arbitral award No.15/2020 dated 02.02.2022. There was direction to deposit the 50% amount within two months. The said amount has not been deposited. In such circumstances, it cannot be said that the award has been stayed by the District Court.

5. In such circumstances, there is no merit in the objections taken on behalf of the JD No.2. Mere appearance in the execution proceeding is not sufficient. The JD No.2 has not deposited the amount of compensation so as to satisfy the award.

6. The Hon'ble Apex Court in the case of **Periyammal Vs. Rajamani & Another etc. (Civil Appeal Nos. 3640-3642 Of 2025 dated 6th March 2025)** observed about delay in disposal of execution proceedings and directed to dispose off the execution proceeding within the period of 6 months from the date of institution.

In such circumstances, for execution of award dated 02.02.2022, it is necessary to attach the properties of the JD No.2. Hence, the following order.

Order

1. The application is hereby allowed.
2. Issue warrant under Order XXI Rule 43 of the Code of Civil Procedure to attach immovable properties of the JD No.2 described in Annexure-A with the application for recovery of amount of Rs.2,46,46,659/-.

Wai
Date: 12.12.2025

(D.B.Mane)
District Judge-2, Wai.