

Order below Exh.23 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 calling account statements of the JD Nos. 1 and 2.

2. It is contended that though the award has been passed on 02.02.2022 and there was direction of the Hon'ble District Judge, Satara in Civil M.A.No.229/2022 to deposit 50% of the compensation amount in the Court, but the JD Nos. 1 and 2 did not comply said order. This execution petition is for the recovery of compensation determined in arbitral award dated 02.02.2022. For satisfaction of award it is necessary to freeze the JDs' accounts. So urged to call the bank details and account statement of the accounts of JD Nos. 1 and 2.

2. The JDs filed reply vide Exh.29 and resisted this application by contending that no legal ground has been made by the DH to support the prayer of production of bank statement. This application is arbitrary, baseless and illegal. The JDs have challenged this execution proceeding on the grounds of territorial jurisdiction of this Court under Section 39(4) of the Code of Civil Procedure, pendency of an appeal against the arbitral award under Section 34 of the Arbitration and Conciliation Act and the application filed for impounding of the

arbitral award is also pending. So urged to dismiss this application.

3. Heard Ld. Advocates for both sides.

4. The JDs have taken the objection about territorial jurisdiction of this Court by filing application under Section 39(4) of the C.P.C. vide Exh.17. This Court rejected the said application on 22.09.2025 after hearing both sides at length. The JDs have filed an application below Exh.36, taking objection about inadmissibility of the award as it is not duly stamped. The said application also came to be rejected after hearing both sides. (Today, this Court passed order below Exh.36).

Though the JDs filed an application for setting aside arbitral award under Section 34 of the Arbitration and Conciliation Act, 1996 before the Hon'ble P.D.J. Satara, however, the JDs have failed to comply the conditional order passed below Exh.5. In such circumstances, there is no merit in the objections taken on behalf of the JDs.

5. The land of the DH has been compulsorily acquired by the JDs for National Highway. The DH is affected person. The amount of compensation determined by the Land Acquisition Officer, so also the sole arbitrator appointed by the JD No.2 is not satisfied. In such circumstances, the DH has right to ask for

the execution of the arbitral award. For the recovery of compensation amount, the DH has filed this execution proceeding and filed this application for calling information about the accounts of the JDs so as to freeze the amount in their account/s.

6. By this application, the DH has only called the account details and not for freezing the amount in said account/s at this stage. In such circumstances, this application is liable to be allowed. Hence, the following order.

Order

1. The application is hereby allowed.
2. The JD Nos. 1 and 2 are ordered to provide the details of bank account with bank name, branch and account number/s within 15 days.

Wai
Date: 12.12.2025

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