

Jdr and his counsel absent.

No representations for Jdr.

Perused the objections to the main petition and to the IA no. 2. the jdrs have stated that they have paid part payment and they have produced some documents such as the book issue by the decree holder, copies of legal notices, copy of postal receipts and some payment receipts and account statement. As per the said document the judgment debtors have paid the amount from the year Nov-2016 to Oct-2019 but the present award is passed on 30-08-2021 that means the alleged payments made by the judgment debtors are before passing the award. So this court cannot go behind the award because it is a executing court.

It appears that by considering the documents and payments made by the jdrs the arbitrator has passed the award. To show that the said award has been challenged or stayed the jdrs have not produced any documents. Therefore the objections of the judgment debtors have not sustainable.

Hence I proceed to pass the following.

ORDER

IA no. 2 filed by decree holder U/o 21 Rule 64 and 65 of CPC is hereby allowed in the ends of justice and equity.

The property of Jdr no. 3 and 5 is already attached by the arbitratore before passing award therefore issue sale proclamation by beat drum by fixing the order on the conspicuous part of the property, upon the conspicuous part of the court house, in the muncipal office or gram panchayath office having the jurisdiction of the property by fixing the date at spot dated 09-04-2025 and the court sale on 25-04-2025.

III Addl. Sr. Civil Judge &
CJM, Belagavi