

IN THE COURT OF THE ADDITIONAL DISTRICT AND SESSIONS
JUDGE, GADAG

Dated this 6th day of April, 2026

PRESENT:

Ms. GEETA SHINDHE,
B.A. LL.B(Hons), LL.M.
Addl. District and Sessions Judge, Gadag

Com Ex. No.73/2025

Decree Holder:

M/s. S.S. Police Patil
Engineers and Class – I Contractors,
having address at “Mahasharanu”
P-149, First floor, APMC Yard,
Amargol, Hubli – 580025,
Repot. by its proprietor,
Sayabagouda S. Police Patil.

(By Sri. S.B.Ghattiraddihal Advocate)

V/s

Judgment debtor:

The Deputy Commissioner,
Office of the Deputy Commissioner,
Room No.123, District Administrative
Building, Gadag, Dist: Gadag.

(DGP)

ORDER ON I.A. FILED U/O 21 RULE 43 OF CPC

The application filed by the counsel for the Dhr. to pass the order for the attachment of properties list produced by Dhr. and sold in public auction in the interest of justice.

2. The Dhr. has filed affidavit stating that he has filed this petition against the Jdr. as per the arbitration award passed by Hon'ble Sri. Justice A.V. Chandrashekhar, sole arbitrator passed

the award on 25.01.2025 of Rs.6,59,302/- along with interest @ 12% pa. from 31.01.2018 to the date of award till realization. The Dhr. entitled a sum of Rs.2,50,000/- cost from the Jdr. in all sum of Rs.14,63,116/- is due from Jdr. JDr. has not challenged the award and there is no order of stay from any Appellate Court against the execution of the award. J.Dr. has failed to pay or deposit the said award amount till today. Coercive steps to realize the amount payable by the Judgment debtors like warrant to attach the movable properties of the judgment debtors went in vein. The attachment of movable properties belonging to Jdr in his possession as per the list be attached and sold in public auction and to recover the due amount from Jdr.

3. Advocate for J.Dr. has filed objections to the said application stating that application filed by the Dhr. is not tenable either in law or on facts. The Jdr has been tried there used best to release the decretal amount from their higher authority at Bangaluru office and the Jdr. is full dependent upon the articles furnished by Dhr and public works will be affected in which the nature of the case are looked the Dhr. does not loose anything if application is rejected. The articles belongs to Government and Jdr. is one of the key person of government and prays time to pay the decretal amount upto State Budget allocation till then the Court may postponed the same. If the application is allowed the Jdr. will be put to great irreparable loss and same is not allowed no harm will be caused to the other side. Hence, prayed to reject the application.

4. Heard arguments.



5. Now, the following points are arising for determination:
- 1) "Whether it is just to issue warrant of attachment of movables properties belonging to Jdr. and to sold in public auction?"
 - 2) What Order?
6. It is answered for the aforesaid points as under:-
- Point No.1 : Partly in the affirmative
- Point No.2: As per final order for the following:

REASONS

7. **POINT NO.1:-** The Dhr. has filed separate list of movables belonging to Jdr. The Dhr. has produced vehicle Innova Car bearing its Reg. No.KA-26/GA/1899, computers 4 numbers (DC chamber), printer 2 numbers, chairs and tables, sofa and chairs, visiter rooms chairs 10 numbers, tipoy, tables (PA chamber), Computer 2 numbers (PA chamber), printer 2 numbers (PA chamber), Cup boards (PA chamber) and chairs (PA chamber). From the documents produced by the Dhr. it reveals that the Jdr. is in possession of the said properties.
8. Undisputed facts of the case are that the D.Hr. has obtained arbitration award and filed execution petition for recovery of the amount awarded. The said award remained unsatisfied and hence the D.Hr. is intending to attach properties of the J.Dr. The D.Hr. is at liberty to take steps against J.Dr. to satisfy the decree. There is no stay on proceedings. It is just and necessary to allow the I.A. filed by the D.Hr. for recovery of the award amount. **Therefore point No.1 is answered partly in the affirmative.**



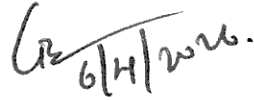
9. **POINT No.2:** In view of findings on point No.1, following order is made:-

ORDER

I.A. filed by the Dhr. U/o. 21 Rule 43 of CPC is partly allowed.

Issue warrant of attachment against Jdr.

(Dictated to the Stenographer, directly on computer, typed by her, corrected and then pronounced by me Open Court on this 6th day of April, 2026)

 6/4/2026.

(Geeta Shindhe)

Addl. District & Sessions Judge, Gadag.