

Counsel for Dhr files memo by not pressing the I.A.No.1. Heard perused and memo is allowed. I.A.No.1 is rejected as not pressed. Counsel for Dhr has filed I.A.No.2 U/Sec.39 of CPC. Heard on I.A.No.2. For Orders.

ORDER ON I.A.No.2 FILED U/S.39 OF CPC

1. The counsel for Dhr has filed I.A.No.2 U/s.39 of CPC for transfer of decree to the Court of Hon'ble 2nd Addl. Subordinate Court, Coimbatore District Court Campus, Coimbatore-18 for execution.

2. This Execution petition is filed by DHr U/O.21 Rule 11 of Code of Civil Procedure for recovery of Rs.1,78,836/- from JDr. as per the decree in S.C.No.15147/2023 of this Court.

3. Heard the counsel for Dhr.

4. Present I.A.No.2 U/s.39 of CPC has been filed by Dhr seeking transfer of decree on the ground that Jdr firm has its office and its Proprietor is residing at Coimbatore. It is contended that the office and properties of Jdr are within the jurisdiction of Hon'ble 2nd Addl. Subordinate Court, Coimbatore District Court Campus, Coimbatore-18. Perused S.39(4) Code of Civil Procedure. The provision reads as follows;

Sec.39 Transfer of Decree-

(4) Nothing in this section shall be deemed to authorize the Court which passed a decree to execute such decree against any person or property outside the local limits of its jurisdiction.

5. As per the contention of Dhr the office and properties of Jdr is within the jurisdiction of Hon'ble 2nd Addl. Subordinate Court, Coimbatore District Court Campus, Coimbatore-18. Therefore, it is just and necessary to transfer the decree for

the purpose of satisfaction of decree. Therefore, I proceed to pass the following;

: ORDER :

I.A.No.2 U/sec.39 of CPC filed by the DHR is hereby allowed. Office is directed to transfer the decree to the Hon'ble 2nd Addl. Subordinate Court, Coimbatore District Court Campus, Coimbatore-18.

Issue Transfer of Decree certificate as per APPENDIX-E Form No.3 (O.21 R 6) of CPC in favour of DHr.

**XV Addl. SCJ & XXIII ACJM,
Bengaluru.**