

IN THE COURT OF PRL. CIVIL JUDGE AND JMFC, ANEKAL.

18th day of December 2024

PRESENT: Sri. Shankarareddy.D.V., L.L.B., PGD in IR & PM.,
Prl. Civil Judge and JMFC, Anekal.

EX.No.14/2019

DHR : Sri. R. Suresh Babu & another

V/s.

JDRs : B Gopala Reddy

IA No.I

DHR/Opponent : Sri. R. Suresh Babu & another

V/s.

Objectors/ Applicants : B Gopala Reddy

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ORDERS ON IA No.I

The decree holders have filed the present application U/o.XXVI Rule 9 R/w 151 of CPC with memo dated 04-12-2024 praying to appoint Sri.N.R Krishna Murthy Advocate as Court Commissioner to execute sale deed in their favour in respect of petition schedule property.

2. In the Affidavit annexed to the present application, the decree holder No.2 stated that in pursuance of compromise decree passed in OS No.716/2008, the decree holders have filed

the present execution petition for obtaining sale deed in respect petition schedule property. It is further stated that, the JDR has to execute the sale deed as per terms of compromise decree passed in OS No.716/2008, but the JDR failed to do so, hence the decree holders filed the present execution petition along with IA No.I for the aforesaid relief.

3. Though the JDR No.2 represented through counsel, not opposed the present execution petition and present application by filing any objections.

4. Having heard by decree holders counsel and on perusal of material available on record, this court inclines to allow the present application for the following reasons.

REASONS

5. On perusal of the record, it is noticed the DHRs have filed OS No.716/2008 for specific performance in respect of petition schedule property. Subsequently, the decree holders and JDR have filed the compromise petition in the said suit and same to came to be allowed. Accordingly, the compromise decree drawn. In terms of compromise decree, the JDR herein required to execute sale deed in respect of petition schedule property, but he

failed to do so. In the circumstance, the court commissioner needs to be appointed for execution of sale deed in terms of aforesaid decree. Otherwise, aforesaid decree remains as paper decree and decree holders cannot enjoy the fruits of the decree. Therefore, this court of the view that decree holders have made out valid grounds to allow the present application. Accordingly, this court proceeds to pass the following:-

ORDER

IA No-I filed by the decree holders under Order XXVI Rule 9 R/w Sec.151 of CPC is hereby allowed.

Sri.N.R Krishnamurthy, Advocate is appointed as Court Commissioner for execution of sale deed in favour of decree holders in respect of petition schedule property.

(Directly dictated to steno, corrected, signed and pronounced by me in Open Court on this the 18th day of December 2024.)

(Sri. Shankarareddy D.V)
Prl. Civil Judge & JMFC., Anekal.