

ORDERS ON IA.No.1 FILED BY THE
D.HOLDERS U/O.XXI R.54(1) &(2) R/W
SEC.151 OF CPC

The decree holders have filed this application U/O. XXI R.54 (1) &(2) r/w Sec.151 of CPC and pray the Court to issue sale proclamation of attachment of immovable properties described in the schedule mentioned in the application. This application is accompanied by RTC extracts of land measuring 2.30 acres in Sy.No.208/2 and 2.11 acres in Sy.No.209/1B of Byadarahally village, which are standing in the name JDR No.1.

2. I have heard Sri KSL Advocate on this application.

3. The D.Holders are the legal heirs of deceased plaintiff. Plaintiff Sri. Ranga Naidu had filed O.S.No.2/2014 against B.K Nagendrappa seeking the relief of specific performance on the file of IInd Addl. Sr. Civil Judge and JMFC Chitradurga.

4. On enquiry, the suit of the plaintiff was dismissed and the defendant was directed to repay a sum of Rs.3,00,000/- to the plaintiff with interest at the rate of 9%

p.a from 25.09.2009 till realization. The defendant was directed to pay that amount within 2 months from the date of judgment.

5. Subsequently, the legal heirs of deceased plaintiff filed Ex.Case No.25/2020 on the file of IInd Addl. Sr. Civil Judge Chitradurga and obtained decree transfer certificate. As per the certificate, the decree is transferred to this Court for the execution of the same.

6. On the basis of that certificate, the decree holders filed this execution petition before this Court. This Court issued cause notices to the J.Debtors, who are the wife and children of deceased defendant Sri. B.K Nagendrappa. In spite of service of notices, they did not appear before the Court and they remained absent.

7. In order to recover the decretal amount from the J.Debtors, the decree holders have filed the present application. The decree holders have produced the RTC extract of the land measuring 2.30 acres in Sy.No.208/2 and 2.11 acres in

Sy.No.209/1B of Byadarahalli village, Hiriyr, which are standing in the name of J.Dr No.1, the wife of deceased Nagendrappa.

8. There is a corresponding entry in these RTC extracts stating that, the name of J.Dr No.1 came to be entered in the revenue records after the death of B.K Nagendrappa. The landed properties are situated at Hiriyr taluk.

9. Though the judgment was passed on 27.01.2016 and decree was signed on 06.02.2016, the J.Debtors have not paid the decretal amount to the D.Holders to satisfy the decree. Now the decree holders are taking coercive steps to recover the decretal amount.

10. When the landed properties owned by deceased J.Dr is now standing in the name of his wife, it is just and proper to issue sale proclamation to the J.Debtors to take notice of the date to be fixed for settling the terms. Accordingly, I proceed to pass the following:

ORDER

IA. No.1 filed by
the D.Holders U/O. XXI R.
54(1) & (2) r/w Sec.151
of CPC is hereby allowed.

Issue sale
proclamation of landed
properties of 2.30 acres in
Sy.No.208/2 and 2.11
acres in Sy.No.209/1B of
Byadarahally village to
the J.Debtors, if PF is
paid.

They are directed to
appear before the Court
on 22.04.2021.

Sr. Civil Judge & JMFC,
Hiriyur.