

Execution Petition No. 12 / 2020

**ORDER ON APPLICATION FILED BY THE
JUDGMENT DEBTOR UNDER SECTION 151
OF CPC**

The Counsel for J.Dr., filed this application with prayer that, he may be permitted file objection to the application of objector.

The J.Dr. Sri. Srinivas in his affidavit submits that, he is Judgment Debtor No.1 in this case and he also deposed on behalf of his mother. His sister filed the application in this case as objector with false and created reason. Therefore the objections of these J.Drs., are very necessary to justify the case of them. Therefore he prayed for permit the J.Dr., to file objection to the application of objectors.

On the other hand counsel for objector filed objection to the said application and contended that, the said application is not maintainable either in law or facts. The J.Dr., sworn false affidavit. There is no valid reasons sworn in the affidavit to condone the delay caused to the J.Drs., to file a objection. The J.Dr., colluded with the Decree Holder to grab

the objection right or share over the petition schedule property. The objector have prima-facie and balance of convenience in his favour. If the application is allowed, the objector put great hardship and prayed for rejection of the application.

Perused the case file and application filed by the J.Dr., and objection filed by the objector. The D.Hr., filed this Execution Petition to execute the decree as per compromise joint memo filed by the both the parties before the Lok-Adalath. After service of notice J.Dr. No.1 and 2 appeared before the Court. The objector who is claimed as sister of J.Dr. No.1. She filed application before the Court stating that, the sisters also have the share in the suit schedule properties. The inquiry has been taken and the said case is posted for further evidence on the side of objector. At that time these Judgment Debtors filed the application U/Sec.151 of CPC with prayer that, they may be permitted to file objection to the objectors application. The opportunity has to be given to dispose of the petition. If the said application is allowed, no hardship or loss would be cause to the objector. If the application is not allowed, it will

cause multiplicity of the proceedings.
Therefore, this Court proceed to pass the
following:

ORDER

The application filed by the J.Dr.,
U/Sec.151 of CPC is hereby allowed.

The objections filed by the J.Drs., for the
objector application filed by the objector is
hereby taken on record.

[N.B. Shaikh]
Prl. Civil Judge and JMFC,
Hiriyur.