

ORDER OS I.A.NO.I

D.Hr. has filed I.A.No.I filed U/o 21 Rule 32 R/w Sec.151 of CPC seeking to appoint of any Advocate in Bar Association, Kadur as Court commissioner to execute the registered sale deed on behalf of J.Dr.

In support of the application, the D.Hr. averred that he has filed the suit for specific performance of contract against the J.Dr. in O.S.No.463/2023, the said suit came to be decreed in his favour and the court has directed to defendant/J.Dr to execute the sale deed in favour of the plaintiff within one month from the date of

passing the decree. The said compromise decree was passed on 09.09.2023 inspite of giving sufficient time the J.Dr. has not complied the decree. Hence, sought to appoint the court commissioner.

Now the point that would arise for my consideration is:

“Whether the court commissioner is necessary to appoint in this E.P. Petition?”

My answer to the above point in Affirmative for the following:

REASONS

On perusal of the material on record it can be seen that, the present execution petition is arisen out of the compromise and decree passed in O.S.No.463/2023. On perusal of the decree it can be seen that, this court has ordered the defendant /J.Dr to execute the sale deed in respect of the suit property in favour of the plaintiff. As the J.Dr. has failed to comply the terms of the compromise decree this execution petition is filed. Thereby the compromise decree passed in O.S.No.463/2023 as attained finality. As the J.Dr. has failed to comply the terms of the compromise decree and on the other hand in order to get the fruits of the decree it is very much necessary to appoint the court commissioner to execute the sale deed in favour of the plaintiff. The plaintiff has paid entire sale consideration of Rs.1,93,000/- to the defendant. For the reasons

discussed above, I.A.No.I filed by the D.Hr. is allowed.
Hence, I answer point for consideration in Affirmative
and proceed to pass the following:

ORDER

Application filed under Order 21 Rule
32 R/w Sec.151 of CPC is hereby allowed.

Smt.S.S., Advocate in Bar
Association, Kadur is appointed as court
commissioner to Execute the sale deed in
favour of the plaintiff with respect to the suit
property.

D.Hr. is hereby directed to furnish all
the relevant documents and draft sale deed.

Commissioner fee is fixed at
Rs.2,000/-.

For Draft Sale deed furnished.

Issue notice and draft sale deed to the
Jdr. P.F paid paid.

Call on 29.04.2024.

Sd/-
II Addl. Civil Judge & JMFC.,
Kadur.