

Learned counsel for DHR present and submits that, on 15.10.2015 the DHR has obtained a decree in OS No.171/2012 and then the present petition has been filed by the DHR seeking execution of decree passed in OS No.171/2012.

2. In the above petition the DHR has preferred an application under Order XXI Rule 32(5) by seeking appointment of Deputy Conservator of Forest, Chikkamagaluru to carry out all the Acts, deeds and things required to be done in enforcement / execution of the decree at the cost of JDR. When the matter has been posted to hear on said application JDR and his counsel present before this Court and JDR undertakes and submits no objection to execution of decree and he also undertakes to cooperate with DHR. Hence this Court posted the matter for satisfaction of decree.

3. On 21.09.2024 the DHR filed memo along with document by stating that even though JDR undertakes to cooperate with DHR but he is not cooperating with Forest Department for availing necessary permission to cut down, fell and to transport the said timber. On considering the submission made by DHR and the document produced by him this Court directed the Deputy Conservator of Forest, Chikkamagaluru to accord necessary permission to DHR even without the consent of JDR.

4. In pursuant to the said order the Forest officer visited the suit schedule property in order to accord necessary permission to cut down and transport the said timbers. Due to the increase the length and width of the trees it was not possible for them to identify which trees are marked and reserved to cut, fell and to transport. Hence they tried to contact the JDR through telephone but they failed to receive any response from the JDR.

5. Now the DHR is before this Court by seeking direction to DCF, CKM to issuance of necessary permission to cut down and transport the said timbers. Before that it is necessary to identify the trees which are marked to cut down in order to execute the decree passed in OS No.171/2012. Therefore, this Court proceed to pass the following;

ORDER

Issue notice to JDR in order to cooperate with Deputy Conservator of Forest, Chikkamagaluru to identify the trees which are marked to cut down as per agreement between DHR and JDR.

Deputy Conservator of Forest, Chikkamagaluru is hereby directed to issue necessary permission to DHR to cut down the trees and to transport the said timbers on the suit schedule property after obtaining the identity of trees which

are reserve to cut down as per
agreement between DHR and JDR.

Call on.20.08.2025.

Sd/-

**Addl. Civil Judge & JMFC,
Mudigere.**