

**ORDERS ON I.A.No. III filed by the JDRs**  
**U/Sec 151 of CPC**

This I.A.No.III filed by JDRs U/Sec. 151 of CPC seeking to permit them to furnish the alternate property as security in substitute of property furnished as security to the satisfaction of this court under 41 rule 5(3) of CPC as per order passed by Hon'ble High Court of Karnataka in RFA No. 1850/24 by canceling or rising the encumbrance / liability created on the previous security property furnished by the JDRs.

**2.** In the memo of facts it is stated that, JDRs are facing serious problems in conducting phodi survey of the property which was furnished as security in this case for the satisfaction of this court. Now JDRs intend to furnish alternate valuable property as security in substitute of previous security property. Hence, prays to allow the application.

**3.** On the other hand the decree holder has filed objection contending that, IA is not supported with any document, in fact the phodi work has already been completed. Hence, prays to reject the application.

**4.** Heard both the sides and perused the records.

**5.** The Points for my consideration on I.A.No.III are :

**1. Whether judgment debtors have made out sufficient grounds to allow the application?**

**2. What order?**

**6.** My findings on the above Points are as below:

Point No.1 : In Negative.

Point No.2: As per final orders for the following:

**REASONS**

**7. Point No.1 :** The decree holder has filed this execution petition to execute the decree passed by this court in O.S. No. 20/2020 dated 26.03.2024. Aggrieved by the said judgment and decree the judgment debtors have preferred RFA No. 1850/2024 before Hon'ble High Court of Karnataka. Where in Hon'ble High Court of Karnataka has stayed the operation of judgment and decree in O.S. No. 20/2020 subject to condition that judgment debtors should furnish the security to the satisfaction of this court U/o 41 rule 5 (3) of CPC.

**8.** As per the direction passed by Hon'ble High Court of Karnataka the judgment debtors have furnished security of the property bearing Sy.No. 12/1A1a1 measuring 3 acres 10 guntas situated at Mudigere village. Accordingly this court accepted the said property as security and directed Tahasildar, Mudigere to create encumbrance over the said property. As per the direction issued by this court, Tahasildar

Mudigere has created encumbrance in column No. 11 of the said property.

**9.** Now the judgment debtors have come up with this application seeking to permit them to offer alternate property and remove encumbrance created over the earlier property. It is their contention in the application that, judgment debtors were facing problem in conducting the phodi survey of the property.

**10.** It is relevant to note that on the perusal of RTC extract of the earlier property (which was offered as security earlier) bearing Sy.No.12/1A1a1 measuring 3 acres 12 guntas situated at Mudigere village it discloses that already the said property is bifurcated and phodi work has been completed and once again conducting phodi work does not arise. Therefore, the averment made by the judgment debtors in the application that they are facing problem in conducting phodi work appears to be not correct.

**11.** Further the judgment debtors have placed the E-Khatha extract of grocery shop building property bearing property No.1-508-38 measuring 7.620015X7.620015 totally measuring 58.064375 meters situated at Mudigere village and also placed the Sub-Registrar valuation of the said property issued by Sub-Registrar Mudigere and prays to permit the judgment debtors to furnish said property as fresh security. On the perusal of the valuation guidelines issued by Sub-Registrar it discloses that the market value of the said property is worth Rs.12,000/- per Square meter. That means 58.064375 meters X Rs.12000 = 696772.5 only. Here as per the records decree holder has entered into agreement with judgment debtors to purchase the property for sum of Rs.29,25,000/- and he has paid advance of Rs.9,00,000/- and he has to pay the remaining balance sale consideration of Rs.20,25,000/- to the JDRs. Therefore, the value of the property offered as alternate property as security is very low and it is not in satisfaction of the decree or this court. Thus on

that ground also the application is not maintainable. Thus, in view of my above discussion the judgment debtors have failed to make out sufficient grounds to allow the application and accordingly this court answers **point No.1 in the Negative.**

**12. Point No.2:** In view of my findings on above point, this court proceed to pass the following:

**ORDER**

I.A.No.III filed by judgment debtors U/Se 151 of CPC seeking to permit them to furnish alternate property as security and rise encumbrance over the earlier property is hereby rejected.

No order as to costs.

Await further order from Hon'ble High Court of Karnataka by 08.10.2025.

**(PRAKASH P.M.)  
Senior Civil Judge & JMFC,  
Mudigere.**