

**IN THE COURT OF THE PRL. CIVIL JUDGE AND ADDL. J.M.F.C AT
TARIKERE**

Ex.No.16/2020

DECREE HOLDER

vs.

JUDGMENT DEBETOR

Sri. C.S. Onkarappa

Sri. Giriraj dead by Lrs,
Smt. Shobha and another

Date: 28.02.2026

Proceedings or Orders of the Judicial Officer

Case called out. N/r for contesting Respondents. No grounds made out to adjourn the case. Accordingly, objections to I.A No.4 taken as not filed. Heard L/c for DHR.

For orders. Kept by -

sd/-
Prl. Civil Judge and JMFC.,
Tarikere.

ORDERS ON IA.No.IV

1. The instant application is filed by the Applicant/ Decree Holder under Order XXVI Rule 10B r/w. Section 151 of C.P.C with the prayer to appoint an Advocate, Bar Association, Tarikere as a Court Commissioner to execute the sale deed in respect of the suit schedule property through the process of the Court.

2. There is no objection to the application despite granting sufficient opportunities.

3. The Decree Holder has filed the main petition for the execution of decree passed in OS.No.90/2016.

4. The above suit came to decreed on merits with the Court passing a decree in favour of the Plaintiff directing the Defendants to execute the registered sale deed in favour of the Plaintiff. Since, the Defendants who are the JDRs in the present petition has not executed the registered sale deed in favour of the Decree Holder, the Decree Holder has filed this petition. Perused the application, main petition and decree passed in OS.No.90/2016.

5. Satisfied with the reasons given by the Decree Holder in the application. Since the decree has been passed by this Court, it is just and necessary to execute the decree by executing registered sale deed in favour of the Decree Holder. This Court has got ample powers to execute the registered instruments in case of failure of the JDRs to do the same within the stipulated time. The Court can also delegate the execution of the instruments to any of the Court Officer or through a Court Commissioner as per Order XXI Rule 34 of C.P.C. The CMO attached to this Court was earlier appointed as Court Commissioner however, there being no further progress, the DHR has come up with the present application seeking appointment of an Advocate as Court Commissioner. There is no legal impediment to consider the present application and accede to the request of the DHR. Accordingly, I proceed to pass the following -

ORDER

I.A.No.IV filed by the Applicant/ Decree Holder under Order XXVI Rule 10B r/w Section 151 of C.P.C is hereby allowed.

The Advocate Commissioner is appointed to execute the sale deed.

The Commissioner's fee is fixed at Rs.3,000/-.

The Applicant/ Decree Holder is directed to deposit the same before this Court, forthwith.

To suggest the name of the Commissioner, Call on 11.03.2026.

sd/-

Prl. Civil Judge and JMFC.,
Tarikere.