

ORDERS ON I.A. U/s 39 R/w Sec.151 OF C.P.C.

The Decree Holder/petitioner has filed application along with memo of facts praying to transfer the E.P to the Senior Civil Judge and MACT at Kustagi, in the interest of justice and equity.

2. The counsel for D.Hr has filed memo of facts contending that the execution petition is filed seeking execution of award passed in **MVC No.70/2024** on the file of this Court. The Judgment debtor / respondent No.1 is having its office at Ward No.9, Durga Colony at Kustagi which comes within the jurisdiction of Senior Civil Judge and MACT Kustagi. If the application is allowed, no harm or loss would be caused to J.Dr, otherwise D.hr will be put to great hardship. So it would be absolutely convenient and will help to recover the award amount from the Judgment debtor, hence prayed to transfer the said E.P. to the as prayed.

3. The respondents / Jdrs have not filed any objection.

4. Heard the counsel for Dhr.

5. Points that arises for my consideration are as under ;

P O I N T S

1. Whether the Dhr has made out sufficient grounds to allow the I.A. filed U/s 39 R/w Sec.151 (Order 21 Rule 5) of C.P.C ?
2. What order ?

6. My answers to the aforesaid points are as under ;

Point No.1 : In the affirmative.

Point No.2 : As per final order for the following ;

R E A S O N S

7. **Point No.1** :- At the outset, the Dhr has filed execution petition to execute the award passed in **MVC No.70/2024**. The Dhr has contended that, the Jdr / respondent No.1 is having its office at Ward No.9, Durga Colony at Kustagi, which comes within the jurisdiction of Senior Civil Judge and MACT at Kustagi and in order to recover the award amount it will be very convenient if this E.P is transferred to Senior Civil Judge and MACT at Kustagi.

8. Perused the cause title of award as well as the execution petition. The Jdr / respondent No.1 is having its office at Ward No.9, Durga Colony at Kustagi, which comes within the jurisdiction of Senior Civil Judge and MACT, Kustagi. The movable and immovable properties of Jdr is situated within the jurisdiction of Kustagi Court of Law, hence it is proper to transfer the E.P to the Jurisdictional Court for the execution of the award. Therefore, the Dhr has made out sufficient

grounds to allow the I.A. With these observations this court answers point No.1 in the affirmative.

9. **Point No.2** :- As per the reasons stated in point No.1, I proceed to pass the following ;

ORDER

I.A filed by the Dhr U/s 39 R/w Sec.151(Order 21 Rule 5 & 6) of C.P.C is hereby allowed.

Office is directed to transfer this E.P to the Jurisdictional Court ie Senior Civil Judge and MACT Kustagi in compliance of Order 21 Rule 5 and 6 of C.P.C.

Accordingly, E.P stands disposed off.

II Addl. Senior Civil Judge,
and JMFC, Dharwad.