

ORDERS ON I.A.NO.I FILED U/SEC 39(1)(A) OF CPC

This is an application filed by the decree holder with a prayer to transfer the decree of this petition to Senior Civil Judge and JMFC, Court, Koppal.

2. The said application is accompanied with an affidavit sworn by the decree holder No.5, wherein she stated that she sworn this affidavit for herself and on behalf of other decree holders. Further it is stated that the Tribunal passed award against to the respondent No.1 to pay compensation amount of Rs.7,61,497/- with interest of 6%. He has not deposited said amount before this court within stipulated period. This petition has been filed for recovery of said amount. The judgment debtor is residing at Diddikeri, Koppal Town. Therefore, prayed to transfer the petition to Senior Civil Judge and JMFC Court, Koppal. Hence, prayed to allow the application.

3. I have perused the records, it discloses that the MVC petition filed by the petitioner in MVC No.40/2016 came to be

allowed on 02-11-2018 and directed the respondent No.1 to deposit compensation amount of Rs. 6,64,000/- with interest at 6% p.a. from the date of petition till realization of entire compensation amount. Further it discloses that the judgment debtor is residing at Diddikeri, Koppal district. Therefore this Court has no jurisdiction to pass order against judgment debtor to execute the award as per section 39(1) of CPC. It reads as follows;

The Court which passed the decree may, on the application of the decree holder, send it for execution to another Court-

(a) If the person against whom the decree is passed actually and voluntarily resides or carries on business, or personally works for gain within the local limits of the jurisdiction of such other Court.....

In view of aforesaid provision the award passed by the Court pertaining to this petition has to be transferred to the jurisdiction Court. Moreover the judgment debtor has not filed objection to main petition as well as application. Therefore I proceed to pass the following;

ORDER

IA No.1 filed by the decree holder under section 39(1)(a) of CPC is hereby allowed.

The office is directed to send the award of this petition and records to the Senior Civil Judge and JMFC Court, Koppal. District Koppal

Sd/- 17-06-2026

**I Addl., Senior Civil Judge and
JMFC., Haveri.**