

Dated: 24-04-2025

ORDER ON IA No.I

The Decree Holder/Applicant has filed IA No.I U/O 26 Rule 9 R/w Order 21 Rule 34 R/w Sec 151 of CPC seeking to appoint an Advocate by name Sri.G.M.Marigoudar, (as referred by petitioner) as court commissioner to execute the sale deed in favour of the Decree Holder as per the compromise decree in O.S.No.254/2018 on the file of this Hon'ble Court, in the interest of justice and equity.

2. In the accompanying affidavit, the Decree Holder stated that as per the terms and conditions of compromise decree passed in O.S.No.254/2018 on the file of this court, the Judgement Debtor has agreed to execute the registered sale deed in favour of Decree Holder. But the Judgement has failed to execute the same and is not ready to comply with the same. Hence, he prays to appoint an Advocate to execute Registered Sale Deed in favour of Decree Holder and prays to allow the application.

3. After filing of this application, this court has issued notice on draft sale deed to the JDR, but the JDR has remained absent. Heard the arguments of the counsel appearing for the Decree Holder.

5. On perusal of record it discloses that DHR had filed OS No.254/2018 against JDR in this court seeking specific performance of contract with respect to suit property on the basis of agreement executed by JDR. Both the parties amicably settled their dispute and filed compromise petition u/o 23 rule 3 of CPC dated 27-03-2021. The Judgement Debtor has agreed to execute the registered sale deed in favour of Decree Holder in respect of suit property. But the JDR has failed to execute registered sale deed in favour of decree holder in respect of suit property. Now the DHR has come forward to get execute the registered sale deed in accordance with law as per the terms and conditions of compromise decree. Therefore, it is just and proper to appoint an Advocate as Court Commissioner to execute the registered sale deed in favour of the Decree Holder. The Decree Holder has furnished draft Sale Deed. Hence, I proceed to pass the following,

ORDER

IA No.I U/O 26 Rule 9 R/w Order 21 Rule 34 R/w Sec 151 of CPC is hereby allowed.

Sri.G.M.Marigoudar, Advocate of Bar Association, Savanur, is hereby appointed as Court Commissioner, and he is directed to execute the Registered Sale Deed in favour of Decree Holder, in respect of suit schedule property, as per compromise decree passed in O.S. No.254/2018 on the file of this court dated 27-03-2021.

The Court Commissioner fee of Rs.3,000/- is fixed tentatively.

Office is directed to commissioner warrant if PF paid.

Call on : 16-07-2025.

CJ & JMFC, Savanur.