

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND J.M.F.C
SEDAM**

PRESENT: SRI. VIJAYKUMAR.S. JATLA

B.Sc., LL.B.

Senior Civil Judge & JMFC., Sedam

DATED THIS THE 18th DAY OF JANUARY-2023.

E.P.No.58/2020

Decree holder : Ayyappayya

Versus

Judgment Debtors : Nagappa and others

**Common Orders on I.A.No.3 U/O 21 Rule 18 R/w Sec.54 of CPC
and IA No.4 U/s.151 of CPC filed by the decree holder**

The IA No.3 is filed by the decree holder U/O 21 Rule 18 R/wSec.54 of CPC praying this court to cause delivery of possession of lands and house allotted to the decree holder in the final decree.

2. Advocate for the decree holder contended that as per final decree possession is to be delivered. Therefore, the Hon'ble court be

pleased to order bailiff to deliver possession of properties allotted to the decree holder in the final decree.

3. IA No.4 filed by the decree holder U/s.151 of CPC praying this court to direct the bailiff to avail the services of surveyor from ADLR office to demarcate the lands allotted to the decree holder at the time of delivery of possession. The advocate for the decree holder contended that in the above case the bailiff has to deliver possession of lands and house allotted to the decree holder. The lands allotted to the decree holder in final decree are to be surveyed and carved out and separated to deliver possession. Therefore, Hon'ble court be pleased to direct the bailiff to avail the services of surveyor from ADLR office to demarcate the lands allotted to the decree holder at the time of delivery of possession.

4. Heard advocate for the decree holder.

5. The following points that would arise for my consideration are:

- 1) Whether the decree holder has made out grounds to allow I.A.No.3 U/O 21 Rule 18 R/w Sec.54 of of CPC and IA No.4 U/s.151 of CPC?

2) What order?

6. My findings on the above points are as under:

Point No.1 : In the Affirmative.

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

REASONS

7. **Point No.1:-** The case of the decree holder is as discussed above. It is seen that FDP proceedings are initiated and final decree has been drawn in FDP No.8/2009 on 6.11.2019. The possession has not been delivered as per the final decree. Hence, it is just and necessary to deliver the possession through bailiff with the assistance of ADLR, Sedam. Accordingly, the decree holder has made out grounds to allow I.A.No.3 and 4 as prayed for. In the light of the above discussions, I answer **point No.1 in the Affirmative.**

8. **Point No.2:-** As I have answered point No. 1 in the Affirmative for the foregoing reasons, I proceed to pass the following:

ORDER

IA-3 U/O 21 Rule 18 R/w Sec.54 of CPC
and IA No.4 U/s.151 of CPC filed by the decree
holder are hereby allowed with no cost.

Issue delivery warrant of possession of suit land and house property as per final decree in FDP No.8/2009 dated 6.11.2019 if PF paid through bailiff with the assistance of ADLR, Sedam.

(Dictated to the stenographer directly on computer and corrected and then pronounced by me, in the open Court on this the **18th day of January-2023**, at Sedam)

Senior Civil Judge & JMFC,
Sedam.