

ORDER

The objector has filed application I.A.No.III U/O 21 Rule 97(1) R/w 151 of CPC to implead him as necessary and proper party to the execution petition since he purchased the execution petition schedule property and he is owner of entire execution schedule property as per Sale Deed 30.10.2006.

2. The said application is supported by the detailed affidavit of the Applicant/Objector and it is sworn that he purchased the schedule property as per Sale Deed dated 30.10.2006 and he himself paid entire consideration amount to the seller. It is also sworn that the Applicant has already filed a suit against present judgment debtor for cancellation of nominal Sale Deed to remove his name in the Sale Deed dated 30.10.2006 in

O.S.No.339/2018 and the present JDR is aware about the said fact. It is also sworn that he is absolute owner of the petition schedule property and there is no division of the schedule property as alleged in the suit. Hence on the grounds stated in the affidavit prayed to come on record and contest the present petition as objector.

3. After filling the application the DHR has filed objection to the application.

4. Heard on on I.A.No.2. This court has heard on I.A.No.II. The objector along with application has produced some documents before the court which includes the certified copy of order sheet in O.S.No.339/2018, evidence recorded in the said suit, legal notices issued to the present JDR, copy of Memorandum of Appeal filed in R.A.No.25/2021, evidence

recorded in O.S.No.298/2011 and plaint in O.S.No.338/2018. On careful perusal of the affidavit sworn by the objector as well as the documents produced by him, in order to consider the present application, enquiry is required. Unless the enquiry is conducted, the present application cannot be determined. By considering the documents produced by the objector, he has made out prima faice materials for conducting eqnuiry on I.A.No.III. Therefore it is necessary to conduct enquiry of said application filed by the objector.

Hence for enquiry on I.A.No.III.

Call On: 06.03.2025.

(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote