

11/03/2026

DHR by:Shri.S.K.Adv.

**ORDERS ON IA NO.1 FILED BY THE DHR UNDER SECTION
151 OF CPC**

1. The DHR's have filed the present petition for recovery of Money along with interest as per the judgment and decree dated 02/03/2023 passed by this court in O.S.No.112/2018.

2. By filing the instant application the DHR's have sought for transfer of the decree to the Hon'ble Principal Civil Judge and JMFC Court, Arakalagudu for execution of the decree on the ground that the execution petition schedule property, which is sought to be attached, the same is situated at Kalenahalli village, Ramanathapura Hobli, Arakalagudu Taluk, Hassan District, and the same is situated within the jurisdiction of Hon'ble Principal Civil Judge and JMFC Court, Arakalagudu.

3. Section 39 of CPC reads as under:

Transfer of decree.—(1) *The Court which passed a decree may, on the application of the decree-holder, send it for execution to another Court of competent jurisdiction:*

(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.

(b) if such person has not property within the local limits of the jurisdiction of the Court which passed the decree sufficient to satisfy such decree and has property within the local limits of the jurisdiction of such other Court,

(c) if the decree directs the sale or delivery of immovable property situate outside the local limits of the jurisdiction of the Court which passed it, or

(d) if the Court which passed the decree considers for any other reason, which it shall record in writing, that the decree should be executed by such other Court.

(2) The Court which passed a decree may of its own motion send it for execution to any subordinate Court of competent jurisdiction.

(3) For the purposes of this section, a Court shall be deemed to be a Court of competent jurisdiction if, at the time of making the application for the transfer of decree to it, such Court would have jurisdiction to try the suit in which such decree was passed.

(4) Nothing in this section shall be deemed to authorise the Court which passed a decree to execute such decree against any person or property outside the local limits of its jurisdiction.

4. In the affidavit accompanying the IA No.1, the DHR's have stated that the execution petition schedule property, which is sought to be attached in this petition, the same is situated at Kalenahalli village, Ramanathapura Hobli, Arakalagudu Taluk, Hassan District, as such this Hon'ble court has no jurisdiction to attach the execution petition schedule property belonging to the original borrower namely Mr.Ramakrishnegowda. Section 39 of CPC empowers this court to transfer the decree to the court of competent jurisdiction, within whose jurisdiction the property of the JDR is situated. The execution petition schedule property is situated at Kalenahalli village, Ramanathapura Hobli, Arakalagudu Taluk, Hassan District, which within the

jurisdiction of Hon'ble Principal Civil Judge and JMFC Court, Arakalagudu Taluk, Hassan District. Therefore in order to effectively execute the decree and to give the fruits of decree to the DHR's, it is just and necessary to send the decree to the Hon'ble Principal Civil Judge and JMFC Court, Arakalagudu. In order to enable the DHR to get the fruits of the decree at the earliest and thereby to meet the ends of justice, the application needs to be allowed. Accordingly, I proceed to pass the following:

ORDER

Application filed by the DHR Under Section 151 of CPC is hereby allowed.

Office is hereby directed to transfer the decree in O.S.No.112/2018 to the Hon'ble Principal Civil Judge and JMFC Court, Arakalagudu for execution.

I A.C.J & JMFC, K.R.NAGAR.