

**ORDERS ON IAs FILED BY THE
DECREE HOLDER UNDER ORDER
XXI RULE 34 AND UNDER SEC. 151
OF CPC.**

The counsel for the decree holder has filed these applications with a prayer to appoint a Court Commissioner for the purpose of execution of sale deed in his favour.

2. In the accompanying affidavits, the decree holder has stated that he has filed this petition for executing a sale deed in his favour as per judgment and decree in O.S.No.285/2019 dated

07.12.2020 of this court. Further, he submitted that the J.Drs have already received advance sale consideration amount of Rs.1,20,000/- and he is ready to deposit balance sale consideration amount of Rs.1,245/- out of Rs.10,000/- and remaining amount of Rs.8,755/- may be adjusted to the cost payable by J.Drs. In spite of issuance of notice through Court the JDrs have not come forward to execute the sale deed. Hence, it is prayed to appoint a Court commissioner to execute the sale deed in favour of the plaintiff/DHr. by allowing this application.

3. In spite of service of notice, the JDrs. have not appeared before the court. Hence, they have been placed exparte as per order dated 10.11.2021.

4. I have heard the arguments of counsel for decree holder and perused the documents available on record.

5. The point that would arise for consideration:

Whether the Decree holder has made out grounds to appoint Court commissioner for the

purpose of executing
registered sale deed in his
favour?

6. Answer to the above point is in
the affirmative for the following...

R E A S O N S

7. This execution petition is filed
by the decree holder based on the
decree passed in O.S.No.285/2019 vide
dated 07.12.2020 in favour of the
decree holder directing J.Drs. to
execute the regular sale deed in favour
of the plaintiff/D.Hr. in respect of suit
properties, but the J.Drs. have not
complied the orders of this court till
today.

8. As the J.Dra. have not
appeared before the court, there are no
grounds to discard the applications. In
order to enjoy the fruits of the decree
by the plaintiff/decreed holder, it is
necessary to allow this application by
appointing an advocate as a court
commissioner on behalf of the Court to
execute the registered sale deed at the
cost of the D.Hr. Hence, in the light of
above discussion and having regard to
the facts and circumstances of the

case, the Court answer the above point in the affirmative and proceed to pass the following:

O R D E R

The I.As. filed by the decree holder under order 21 Rule 34 and U/Sec. 151 of C.P.C is hereby allowed. The Commissioner fee is fixed at Rs.2,000/-.

Cost of Rs.8,755/- payable by Jdrs. as per decree is adjusted towards the part of balance sale consideration. Dhr. is permitted to deposit Rs.1,245/- towards remaining balance sale consideration in office.

Call on for suggesting name of advocate by 26.11.2021.

Sd/-
Prl. Civil Judge and JMFC.,
K.R.Nagara.