

## **Ex.No.54/2021**

**1.** Counsel for DHR has filed IA No.2 U/o 6 rule 17 of CPC seeking permission of this court to amend the survey number of the petition schedule property as 28/5.

**2.** In the affidavit accompanying the instant application it is averred that at the time of filing of the suit in O.S.No.66/2017 as well as at the time of filing of this execution petition, the survey number of the petition schedule property was 28. It is averred that above suit was decreed for specific performance of contract. It is averred that since the JDR has not executed the sale deed in favour of the DHR, the DHR herein has filed this execution petition to get the sale deed executed in his name. It is averred that since the petition schedule property was not phoded, the court commissioner could not execute the registered sale deed as per the decree passed in O.S.No.66/2017. Therefore, the DHR moved an application and get the petition schedule property phoded and after the phod, new survey number was allotted to the petition schedule property as 28/5. Due to subsequent change of survey number of the petition schedule property on account of phode, it is necessary to amend the petition so as to mention the new survey number of the petition schedule property as 28/5.

**3.** I have gone through the records. The same projects that at the time of filing of the suit in O.S.No.66/2017 as well as on the date of passing judgment in in the said suit, the survey number

**Ex.No.54/2021**

of the petition schedule property was 28. Hence, even the decree was also drawn in respect of Sy.No.28. Along with the present application, the DHR has also submitted the RTC of the petition schedule property for the year 2024-25 as well as the M.R.No.T9/2024-25 and the above documents depicts that due to the phode conducted by Revenue Authorities, new survey number was allotted to the suit property as 28/5. RTC of the petition schedule property for the year 2024-25 depicts that it is in survey number 28/5, the 1 acre of land stands in the name of the JDR. Hence, the averments made in the instant application as well as the documents referred above establishes that after disposal of the O.S.No.66/2017 and after filing of this execution petition new survey number was allotted to the petition schedule property as 28/5.

**4.** The DHR has averred that due to subsequent change of survey number of the suit property as 28/5, he is not in a position to execute the decree. Even the court commissioner has also returned the commissioner warrant expressing his inability to execute the registered sale deed on account of subsequent change of survey number of the petition schedule property as 28/5.

**5.** Heard and satisfied with the reasons assigned. In order to meet the ends of justice and to enable the DHR to get the fruits of decree it is just and necessary to allow the instant application. Accordingly I proceed to pass the following:

**ORDER**

**Ex.No.54/2021**

IA No.2 filed by the DHR U/o 6 rule 17 of CPC is hereby allowed.

Counsel for DHR is hereby permitted carryout necessary amendment in the petition as sought for in IA No.2 and to furnish the amended petition.

Call on 19/04/2025.

**ACJ & JMFC.,K.R.NAGARA**