

ORDERS ON IA.NO.2 FILED BY THE DECREE HOLDER
UNDER ORDER 21 RULE 54 R/W SEC.151 OF CPC

1. The decree holder has filed the present Execution Petition for recovery of money along with interest which is awarded to him by this court in OS.No.446/2017. As per the decree passed in OS.No.446/2017 the Judgment debtor was directed to pay a sum of Rs.70,000/- to the decree holder along with interest. But inspite of lapse of more than 6 years from the date of the decree passed in OS.No.446/2017, the judgment debtor has not paid decretal amount to the decree holder along with interest. Thereby the decree holder has filed instant petition for recover of decretal amount along with interest.

2. During the pendency of this petition, the original JDR is reported to dead and his LR's namely JDR's No.1(a) to (d) were brought on record.

3. Counsel for the decree holder filed instant application praying to attach the property bearing Assessment

No.802/788, total extent East-West 13.5 feet, South-North 40 feet, in that item No.2 country tails house constructed East-West 13.5 feet X South-North 17 feet situated at 6th Ward, Meenakshipuram Block, K.R.Nagar Town, Mysuru District and property bearing Assessment No.802/788A, total extent East-West 13.5 feet, South-North 17 feet, in that the country tails house constructed East-West 13.5 feet X South-North 15 feet situated at 6th Ward, Meenakshipuram Block, K.R.Nagar Town, Mysuru District. Along with the application counsel also submitted the certified copy of Tax register extract, certified copies of gift deeds dated 18/03/2015 registered as a document No.KRN-1-05056/2014-15 and KRN-1-05057/2014-15. The same discloses that, originally the present application schedule properties are the self acquired properties of original JDR namely Mr.Krishnegowda which was subsequently gifted by the original JDR in favour of his children namely JDR's No.1(b) and (d). Hence, the aforesaid gift deeds as well as copies of tax register extract establishes that the present application schedule properties are the estates of original JDR namely Mr.Krishnegowda in the hands of his LR's namely JDR's No.1(b) and (d). Hence, the present application schedule properties being the estates of original JDR in the hands of his LR's, the decree has to be satisfied from out of the estates left behind by the original JDR.

4. The documents produced along with the instant application discloses that even as on today the application schedule properties stands in the name of JDR's No.1(b) and (d) who are the children of original JDR, in whose hands the estate of deceased JDR lies. In spite of lapse of more than 6 years from the date of the decree passed in OS.No.446/2017, the decree holder did not get the fruits of the decree till date. The decree has remained as a paper decree. The decree has to be satisfied from out of the estate left behind by the original JDR. Therefore, in order to give the fruits of the decree to the decree holder, it is just and necessary to pass an order for attachment of the present application schedule properties and to give the decretal amount to the decree holder from out of the sale proceeds. Therefore, in order to meet the ends of justice the present application requires to be allowed. Accordingly, the application is allowed. Whereof, I proceed to pass the following:

ORDER

IA.No.2 filed by the decree holder under Order 21 Rule 54 R/w Sec.151 of CPC is hereby allowed.

Office is directed to issue attachment warrant to attach the application schedule properties bearing Assessment No.802/788, total extent East-West 13.5 feet, South-North 40 feet, in that item No.2 country tails house constructed East-

West 13.5 feet X South-North 17 feet situated at 6th Ward, Meenakshipuram Block, K.R.Nagar Town, Mysuru District and property bearing Assessment No.802/788A, total extent East-West 13.5 feet, South-North 17 feet, in that the country tails house constructed East-West 13.5 feet X South-North 15 feet situated at 6th Ward, Meenakshipuram Block, K.R.Nagar Town, Mysuru District, which are standing in the name of JDR No.1(b) and (d).

Call on: 30/01/2026.

**I ADDL. CIVIL JUDGE & JMFC,
K.R.NAGARA.**