

Learned counsel for the DHR submits that he has already filed IA No.2 seeking the assistance of Taluka Surveyor in the office of ADLR, Nanjangud, quoting the report of the Bailiff while in the execution of the delivery warrant.

On perusal of the Bailiff report thereon it is noticed that, the Bailiff has also sought the assistance of the surveyor to execute the delivery warrant.

ORDERS ON IA No.2

The learned counsel for decree holder has filed IA No.2 seeking the assistance of the Taluka Surveyor in the office of ADLR, Nanjangud while execution of the delivery warrant.

In the affidavit filed in support of IA No.2, the D.Hr has stated that, the Bailiff requires the help of the Taluka Surveyor in demarcating the property of the Dhr.

On perusal of Bailiff Report also, it is clear that, the Bailiff sought for surveyor assistance to execute delivery warrant.

The intendment of the parliament in introducing the important provision under Order XXI Rule 35(3) of C.P.C., which authorizes executing Court to pass all the incidental, ancillary or necessary orders for the purpose of enforcement of the decree or order under execution for the relief of delivery of possession of the suit land and those inherent powers also include the power to remove any obstruction made pendent lite.

Hence, it is necessary to give survey assistance to deliver the property to the Dhr. Accordingly, this Court proceed to pass the following:-

ORDER

The I.A No.2 filed by the Dhr is allowed.

Further, ADLR, Nanjangud is directed to appoint a surveyor to assist Bailiff while executing the delivery warrant.

Accordingly, office is directed to address a letter to the ADLR, Nanjangud to provide the services of a surveyor in the matter of executing the delivery warrant.

Await Bailiff Report.

**I Addl.Civil Judge & JMFC.,
Nanjangud**