

ORDERS ON IA No.1

The learned counsel for decree holder has filed IA No.1 seeking appointment of Taluk Surveyor as Court Commissioner to measure the schedule property and to prepare a separate sketch and report.

Further in his affidavit it is stated that he has filed IA No.1, against the J.Dr's for the relief of specific performance by way of executing the sale deed with respect to the suit schedule property. The execution of the decree passed in O.S.No.34/2011 on 22.08.2012 in the court of Addl. Civil Judge, Nanjangud is sought by means of the present Execution Petition. The said decree is appended with this execution petition. But the J.Dr's have not come forward to execute the decree which was decided by the Court. Consequently, the D.Hr has filed this execution petition for the registration of sale deed in his favour with respect to the suit schedule property. Presently 3 ½ (3.08) guntas out of 1 acre 34 guntas is to be shown by a separate sketch in order to register the sale deed in respect of the said 3 1/2 (3.08) guntas. But as deposed by the Dhr the Sub registrar is unable to register the sale deed due to lack of identification of the 3 1/2(3.08) guntas.

The Order XXI Rule 35(3) of C.P.C., 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.

Accordingly, this Court proceed to pass the following:-

ORDER

IA No.1 is allowed.

Further, ADLR, Nanjangud is directed to appoint a surveyor as Court Commissioner to measure the schedule property and prepare the sketch of the same.

Accordingly Office is directed to address a letter to the ADLR, Nanjangud to provide the services of a surveyor.

Call on 25.07.2025.

I Addl Civil Judge & JMFC., Nanjangud.

