

KAMS510001662024



**IN THE COURT OF II ADDL. CIVIL JUDGE AND
JMFC., NANJANGUD, MYSURU**

Present: Kruttika.P.Pawar
B.E., LL.B.,LL.M (IP&Tech Law).

II Addl. Civil Judge & JMFC, Nanjangud

Dated this 30th day of April, 2026

FDP/2/2024

PLAINTIFFS : K P Lingesh S/o Papanna,
Petitioners Aged about 48 years,
R/at 205, 4th cross,
Opp. To Bisilu Maramma Temple
Gangothri Layout, Mysore.

(By Sri.K.S.M., Adv)

V/s

DEFENDANTS: 1) P Rajappa S/o Chikkamadappa,
Respondents Aged about 57 years,

2. Vikas H R S/o Rajappa,
Aged about 29 years,

Both are R/at Hallikerehundi
Village, Chikkiyana chathra

Hobli, Nanjangud Taluk,

(By Sri. H.P.S- Adv)

-: ORDER :-

This is a petition filed by the petitioner seeking to draw a final decree in respect of Original Suit No. 348/2021 under the CPC, for recovery of Rs. 3,17,500/- along with future interest at 6% per annum on Rs. 2,50,000/- from the date of suit till realization of the entire amount.

The petitioner had filed a suit against the respondents for the relief of redemption of mortgage of the petition schedule property in O.S. No. 348/2021 on the file of this Court. The respondent filed vakalath but did not lead any evidence. After trial, the suit was decreed with costs by directing the respondents to pay the mortgage amount of Rs. 3,17,500/- to the petitioner along with future interest at 6% per annum on Rs. 2,50,000/- from the date of suit till realization. The said judgment and decree was passed on 27.07.2023. The respondents have not preferred any appeal against the said judgment and decree. Despite this, the defendants have not complied with the preliminary decree by paying the amount. Hence, the petitioner has filed this petition seeking passing of a final decree.

2. After service of notice, Respondent Nos. 1 and 3 appeared through counsel but did not file any objections.

3. This Court has heard the arguments of the learned counsel for the petitioner and perused the entire material available on record.

4. The following points arise for consideration:

1. Whether the petitioner has made out grounds for passing a final decree in terms of the preliminary decree in O.S. No. 348/2021?

2. What order or decree?

5. My findings on the above points are as follows:

Point No.1: In the Affirmative.

Point No.2: As per final order, for the following:

-: R E A S O N S :-

6. Point No.1:- The petitioner has filed the present petition seeking passing of a final decree for sale of the petition schedule property to realize the decretal amount, in terms of the preliminary decree.

It is contended that the suit filed by the petitioner against the respondents was decreed and the respondents were directed to pay the decretal amount along with interest and costs. The respondents have failed to pay the decretal amount. Therefore, the petitioner has filed this petition seeking sale of the petition schedule property to realize the decretal amount.

7. In order to prove the case, the petitioner examined himself as PW.1. In his chief-examination, he reiterated the petition averments and produced the certified copy of the judgment and decree as Ex.P.1 and Ex.P.2. On perusal of these documents, it is evident that the suit filed by the petitioner was decreed and the respondents were directed to pay the decretal amount with interest and costs. The respondents have not complied with the decree.

Despite service of notice, the respondents failed to appear and contest the petition. The evidence of PW.1 is supported by Ex.P.1 and Ex.P.2. Hence, the petitioner is entitled to a final decree as prayed. Accordingly, Point No.1 is answered in the Affirmative.

8. Point No.2: In view of the above findings, I proceed to pass the following:

O R D E R

The petition filed by the petitioner is hereby allowed with costs.

The petitioner is permitted to recover the decretal amount by sale of the suit schedule property in accordance with law.

Accordingly, draw final decree.

(Dictated to the stenographer, the transcript revised and corrected by me and pronounced in the Open Court on this the **30th Day of April 2026**)

II ACJ and JMFC Nanjangud