

Ex.No.38/2022

ORDERS ON APPLICATION UNDER
SECTION 26 RULE 10(b) R/W SECTION
151 OF C.P.C

The DHr has filed this application seeking to appoint the Sheristedar of this court as Court Commissioner to execute the sale deed in respect of the suit schedule property.

In the affidavit accompanying the said application sworn in by the DHr it is submitted that, the DHr has deposited the balance sale consideration of Rs.44,000/- on 09.01.2020. Since the JDr has not complied with the judgement and decree passed by this court, it is necessary to appoint Court Commissioner to execute the sale deed in respect of the suit schedule in favour of the DHr. Hence, prayed to allow the application.

The perusal of the record it reveals that, the DHr has filed this petition seeking enforcement of decree passed in a suit for specific performance, wherein the defendants who are the JDrs in the present petition were directed to execute the registered sale deed in respect of the suit schedule property within 3 months

from the date of judgment. As the JDrs have not executed the registered sale deed in respect of the suit schedule property in favour of DHr the DHr has filed this execution petition. Moreover, the records also reveals that, the DHr has deposited the sum of Rs.44,000/- on 09.01.2020 in O.S.No.47/2018 in receipt No.10531 being balance sale consideration. Since the JDrs have not come forward to execute the registered sale deed, it is necessary to give effect to the decree passed by this court. Accordingly, the present application deserves to be allowed. In view of the same, I proceed to pass the following ;

ORDER

The application under Order 26 Rule 10(B) R/W Section 151 of C.P.C filed by the DHr is hereby allowed.

Smt. Champakala, Sheristedar of this court is hereby appointed as Court Commissioner to execute the sale deed on behalf of the JDrs in favour of the DHr in respect of the suit schedule property and report the same before the court.

Office to issue Court Commissioner warrant after verification of draft sale deed.

The Court Commissioner fee is fixed at Rs.3000/-.

**Civil Judge & JMFC.,
T. Narasipura.**