

ORDER

The Decree Holder has filed the present application under Order XXI Rule 5 of CPC, seeking transfer of the decree dated.25.01.2014 passed in O.S.No.10/2013 to the Court of the Additional Civil Judge and JMFC, Gubbi, for execution.

2. Perused the application and the execution petition.

3. It is stated in the execution petition that the Judgment Debtor is a resident of Gubbi Taluk, which falls within the territorial jurisdiction of the proposed transferee Court. The address furnished in the cause title of the execution petition also indicates that the Judgment Debtor resides within the territorial jurisdiction of the proposed transferee Court. There is no material on record to doubt the correctness of the said address. Hence, this Court is satisfied that the conditions contemplated under Section 39(1)(a) of the Code of Civil Procedure are fulfilled. The decree remains unsatisfied and is capable of execution. The proposed transferee Court is competent to execute the decree, having the requisite territorial and pecuniary jurisdiction. Accordingly, this Court proceeds to pass the following:

ORDER

The application filed by the Decree Holder under Order XXI Rule 5 of CPC is hereby allowed.

Office is directed to prepare the certificate of non-satisfaction in Form No.4 of Appendix E to

the Code of Civil Procedure and transmit the decree for execution to the Court of the Additional Civil Judge and JMFC, Gubbi, along with a certified copy of the decree, a copy of this order, the execution petition and the certificate of non-satisfaction.

If the Decree Holder so requests, the execution papers shall be handed over to him for presentation before the transferee Court; otherwise, the decree shall be transmitted through Court on payment of the prescribed process fee.

The order sheet shall be retained in this Court. Upon receipt of the certificate or intimation from the transferee Court under Section 41 of the Code of Civil Procedure regarding execution or satisfaction of the decree, the same shall be recorded in the proceedings of this Court.

Sd/-

**Addl.Civil Judge and JMFC,
Sira.**