

IN THE COURT OF THE SENIOR CIVIL JUDGE AND ACJM,
KARKALA

Present: Smt.Sharmila C.S., B.A.L., LL.M.,
Senior Civil Judge and ACJM, Karkala.

Dated: This the 27th day of September, 2025.

EX. C. No.32/2024

Sri. Venkatramana Devaru rep. By next
friend S. Narayana Rao, since dead By L.Rs... Decree holders
- Versus -

Smt. Premalatha S. Hegde and others .. Judgment debtors

PARTIES TO I.A.NO.1 AND 2

Sri. Venkatramana Devaru rep. By next
friend S. Narayana Rao, since dead By L.Rs... Applicants/
Decree holders

- Versus -

Smt. Premalatha S. Hegde and others .. Opponents/
Judgment debtors

i.	Provision under which the application is filed	IA 1 and 2: Section 151 of CPC
ii.	Relief sought for	IA 1 : To grant police aid to court amin IA 2: To permit court amin to break open the door of house, subsidiary buildings and cow shed
iii	The date on which the application is filed	IA 1 & 2: 29-08-2025
iv	Number of the application	I.A.No.1 I.A.No.2
v	The date on which the objections are filed by different opponents	IA 1 & 2 : 04-09-2025
vi	The date on which the orders were passed on the said application.	27-09-2025

COMMON ORDER ON I.A.NO. 1 AND 2 UNDER SECTION
151 OF C.P.C.

These two applications are taken up together for common discussion since they are inter-connected and attracts same reasoning.

2. These applications are filed by the decree holders seeking assistance of the police to court amin to execute delivery warrant and break open the lock of the property.

3. In the memo of facts it is stated that the court amin was unable to execute the delivery warrant , who has requested the police aid and hence prays to allow the applications.

4. Counsel for the judgment debtors got advanced the case, filed objections and submitted that survey is necessary before the visit and the judgment debtors are to be provided 2 months time to shift their belongings etc., and for other reasons prays to dismiss the applications.

5. Heard from the counsels for decree holders and judgment debtors and perused materials on record.

6. The following point arise for my determination.

“Whether the assistance of police is required? ”

7. My answers to the above point is ‘ kept in abeyance’ for the following-

REASONS

8. This court has already issued direction to the judgment debtors to hand over the property to the decree holders, for which the present execution petition is filed. The court amin had been to the property who was unable to execute the warrant in view of resistance by the judgment debtors and also has sought for assistance of police. When the case was posted for orders, the judgment debtors, filed objections and are objecting for assistance of the police.

9. The judgment debtor submits that she is the resident of Udupi and she was not informed about the date of visit of the bailiff nor the survey report was given to the judgment debtors. That she should be provided with notice of survey before the visit and that she has to make arrangements to shift and alternative arrangements to her servants, cattle etc., for which she requires nearly two months time after the survey.

10. As per the decree of this court, defendants/judgment debtors are directed to hand over/deliver the vacant possession of the suit schedule property with house, building etc. This is dated 28-02-2009. However the judgment debtors have not complied with the decree passed by this court and hence the present execution petition is filed. Now the judgment debtors are requesting for survey of the property to identify the same, for which there is no order by this court. The judgment debtors have not complied for the past 16 years. However the judgment debtors are requesting for two months time to vacate the property, after the survey is made. When there is a proper decree by this court specifying that possession of suit schedule property has to be delivered to the decree holders/ plaintiffs, question of survey at the cost of the decree holder again does not arise. It was the bounden duty of the judgment debtors to have complied with the decree passed by this court, in which they have failed. Hence if the judgment debtors are disputing the identification of the property, it would be their duty to get appointed the surveyor or hand over the property directly to the decree holders. Hence two months time can be provided

to the judgment debtors as per their request to hand over the property and get surveyed the property for identification at their own cost and expenses. With the above note, the above point is answered accordingly.

11. In view of the above reasoning, I proceed to pass the following :

ORDER

I.A.No.1 and 2 filed by the decree holders are kept in abeyance.

The judgment debtors are directed to hand over the property to the decree holder within two months from today failing which the decree holders shall take proper steps in order to get delivered the property with the assistance of the jurisdictional police by breaking open the lock of the house situated in the suit property.

(Dictated to the Stenographer, transcribed by her, corrected and then pronounced by me in Open Court on this the 27th day of September, 2025.)

(SHARMILA C.S.)
Senior Civil Judge & ACJM, Karkala.