

### **ORDERS ON I.A.No.1**

The decree holders have sought for dispensing the notice to the judgment debtor No.1, by filing this application under Order-XXI Rule-22 read with sec.151 of the Civil Procedure Code, contending that the father of the Decree Holders Sri.P.S.Ashwathanarayana had filed the suit in OS No.25549/2017 before this Court which was decreed in his favour vide judgment and decree dtd. 25.03.2021 and the execution petition has been filed within two years i.e., 7 months 15 days of the judgment and decree passed. It is also contended that the judgment debtors are attempting to evade their liability under the judgment and decree.

Heard and perused the materials.

The decree holders have produced the copy of the judgment and decree passed in OS No.25549/2017 dtd. 25.03.2021. The decree holders had taken notice to the Judgment debtors, but the notice was returned with a shara 'not traced', though it is the same address as shown in the judgment and decree. The decree holders have filed the execution petition within two years of the decree passed in their favour. Hence the decree holders have made out grounds for dispensation of notice to the judgment debtor No.1 as required under Order-XXI Rule-22 of the Civil Procedure Code.

Accordingly, IA No.I is allowed and the notice to the judgment debtor No.1 is dispensed with.

For Steps, Call on : 15/12/2022.

(YERMAL KALPANA)  
XXVI Addl.CC & SJ, M.H.unit,  
Bengaluru