

KABC010101522020



**IN THE COURT OF THE III ADDL. CITY CIVIL AND
SESSIONS JUDGE, (CCH-25) AT BENGALURU.**

DATED: THIS THE 30th DAY OF APRIL, 2026.

PRESENT : **Smt. Nisharani A.C., B.A., LL.B.,**
III Addl. City Civil and Sessions
Judge, Bengaluru.

Ex.NO.1075/2020

**DECREE
HOLDER:** : Dega Devakumar Reddy,
S/o late Dega Ramgopal Reddy,
A/a 60 yrs,
Now residing at Villa No.33,
Cook street, 10 Downing, White
field, Hoakote road,
Kannamangala, Bidarnahalli
Hobli, Bengaluru-67

(By Sri.ACH, Advocate)

V/S

**JUDGMENT
DEBTOR** : M/s.Pushpam Realty,
No.191, 1st cross, 1st Block,
Jayanagar East,Byrasandra,
Bengaluru, by its Managing
Partner, Smt.R.S.Veena,
W/o Dr.N.Manjunatha Reddy

(By Sri.M.R.,, Advocate)

ORDER ON I.A.No.7

I.A.No.7 filed by the Judgment Debtor under Order 47 Rule 1 r/w Sec.114 of CPC, seeking to review the order dated 22.01.2026 and recall the same passed by this Court, and consequently be pleased to post the matter for enquiry, in compliance with the directions issued by the Hon'ble High Court of Karnataka, Bengaluru in W.P.No.20089/2024 dated 31st July 2024, in the interest of justice and equity.

2. In support of the application, the JDR has sworn to an accompanying affidavit stating he had filed I.A. No.5 before this Court seeking an enquiry into the matter, in compliance with the directions issued by the Hon'ble High Court of Karnataka in earlier writ proceedings. The Hon'ble High Court of Karnataka, Bengaluru in W.P.No.20079/2024 was pleased to direct the Execution Court to hold an enquiry and thereafter pass orders in accordance with law. In W.P.No.20079/2024, the Hon'ble

High Court has reiterated that the Execution Court is required to conduct an enquiry before deciding the matter, thereby making it mandatory to follow the principles of natural justice. The above directions issued by the Hon'ble High Court are binding on this Hon'ble Execution Court, and the same are required to be strictly complied with. However, this Court, by its order dated 22.01.2026 has been pleased to reject I.A.No.5 filed by JDR, without conducting the enquiry directed by the Hon'ble High Court. While rejecting the said application, this Court has erroneously relied upon the order passed by the Hon'ble High Court in W.P.No.8353/2025. In W.P.No.8353/2025, the Hon'ble High Court has not issued any direction to dispense with enquiry. On the contrary, the Hon'ble High Court has only held that the execution petition is maintainable before the Execution Court. The order in W.P.No.8353/2025 is clearly distinguishable and does not in any manner override or nullify the earlier specific directions issued in W.P.No.20079/2024 and

W.P.No.20089/2025 regarding holding of enquiry. Due to an apparent oversight and misinterpretation of the order in W.P.No.8353/2025, this Court has come to an erroneous conclusion and rejected I.A.No.5. The impugned order suffers from a patent error apparent on the face of the record, inasmuch as it fails to consider and give effect to the binding directions of the Hon'ble High Court mandating enquiry. Non-conduct of enquiry has caused serious prejudice to me, as he has been denied an opportunity to establish his case by way of evidence, which is contrary to the principles of natural justice. This Court has inherent power to recall and set aside its own order where the same has been passed due to error, oversight, or misapplication of law, in order to prevent miscarriage of justice. The order rejecting I.A.No.5 is recalled and set aside, he will suffer irreparable loss and hardship, and the very purpose of the directions issued by the Hon'ble High Court will be defeated. Therefore, it is just, necessary, and expedient in the interest of justice that the order passed by

this Court rejecting I.A.No.5 be recalled, and the matter be restored for conducting enquiry as mandated by the Hon'ble High Court of Karnataka, Bengaluru. Hence, prayed to allow the application.

2(a). The partner of the JDR partnership firm and authorized signatory to the JDR has filed his additional ground by way of affidavit for I.A.No.7 stating that they had filed an application Under Order 47 Readwith Section 151 of CPC to review the order dated 22.02.2026 on certain grounds and by oversight had failed to mention the most important ground for filing the above application i.e., we had filed the Application Under Section 151 of CPC dated 03.02.2025 to consider the Application Under Section 47 which was filed on 05.12.2023, however this Court instead of considering and passing order with respect the above application, was pleased to pass an order on the application Under Section 47 of CPC, which was subsequently filed on 28.08.2025, which is much after the

application which was filed on 05.12.2023. It for the kind notice of this Honourable Court that, the Application Under Section 151 of CPC is dated 03.02.2025 to consider the Application U/s 47 of CPC filed on 05.12.2023. Hence, the Order dated 22.02.2026 is totally error apparent. If the above application is not allowed, he will be put to greater hardship, injury and irreparable loss and justice will suffer, further leading to multiplicity of proceedings and on the other hand no hardship or injury would be caused to the otherside. Therefore, prayed to allow the application.

3. On the other hand, the DHR has filed objections stating that the instant application is devoid of merits and as such is frivolous, malafide and vexatious and therefore, deserves to be and should be dismissed. At the further outset, all the averments and contentions in the application are denied, save and except those which are specifically admitted herein. Nothing shall be deemed to be admitted for want of specific traverse and anything that

has not been specifically admitted herein shall be deemed to be denied. As a preliminary objection it is stated that the Application in I.A.No.5 filed under Section 47 of CPC, seeking to reopen issues already adjudicated, has already been heard at length by this Court and this Court vide order dated 22.01.2026 has rendered its judgment. The present application has been filed by the Judgement Debtor only with an intention to delay the execution proceedings solely to defeat the Arbitration Award. For the sake of brevity and in an effort to avoid repetition, the contents of objections filed earlier by the Decree Holder to the Application challenging maintainability, and further the documents filed in support of the same, and the notes of arguments, may be read as part and parcel to the present objections. The contentions raised in the present application have already been argued by the Judgment Debtor extensively. This Hon'ble Court has passed the order dated 22.01.2026 in LA No.5 after hearing the Decree Holder and Judgment Debtor at length and

therefore there are no adequate grounds made out for review of the order.

Order XLVII Rule 1 of CPC reads as under:-

"ORDER XLVII- REVIEW

1. Application for review of judgment Any person considering himself aggrieved

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order."

A plain reading of the above provision states that the power of review can be exercised only upon existence

of the three conditions expressed therein. "A mistake or an error apparent on the face of the record" is one of the conditions. A review under Order XLVII Rule 1 CPC lies only on the following limited grounds: (i) discovery of new and important matter or evidence not within the knowledge of the applicant despite due diligence; (ii) some mistake or error apparent on the face of the record; or (iii) any other sufficient reason. The Judgment Debtor has failed to make out any of these grounds. The application proceeds on a mere disagreement with the Court's reasoning and a re-assertion of arguments already made and rejected. This does not constitute a ground for review. It is well-settled that review jurisdiction cannot be exercised to rehear and re-decide a matter. It is a well settled principle of law that the power of review is limited and cannot be exercised as an appellate power. Under the guise of review, the Judgment Debtor cannot be permitted to reagitate and reargue the issues which have already been addressed and decided. It is submitted that the Judgment Debtor had

previously filed an Application under Section 47 of CPC challenging maintainability of the Execution Petition. This Court was pleased to dismiss the said application vide order dated 10.07.2024. The Judgment Debtor challenged the above order in W.P.No.20089/2024 before the High Court of Karnataka on the ground that the Execution Court could not have passed the order without adjudicating on the question of maintainability. The Judgment Debtor further contended that there was no executable arbitral award. The Hon'ble High Court, at the stage of admission after perusing the documents submitted by the Decree Holder and the memorandum of Writ Petition, by its order dated 31.07.2024 disposed the Writ Petition by confirming the order passed by this Court. During the writ Proceedings, the Judgment Debtor made a false submission that the Decree Holder had not executed GPA in terms of the Compromise Petition and Arbitration Award, when infact the Decree Holder had executed GPA on 11.10.2018. Therefore, the Hon'ble High Court opined that

the question as to whether Power of Attorney was executed in terms of the memorandum of settlement and in terms of the award is something which has to be considered by the Executing Court. The Hon'ble High Court further directed the Judgment Debtor to deposit the original documents before the executing court to be kept in safe custody of Executing Court till the enquiry is held and orders are passed by the Executing Court. Therefore, reading of the order dated 31.07.2024 makes it very clear that the Hon'ble High Court opined that enquiry had to be done by this Court on the limited question as to whether the Decree Holder had executed the General Power of Attorney in terms of the Compromise, solely on account of the false and misleading submission made by the Judgment Debtor. However, subsequently the Judgment Debtor admitted before this Hon'ble Court that the Decree Holder had executed GPA in terms of the Compromise. That the order of the Hon'ble High Court was challenged in the Hon'ble Supreme Court of India by way of Special

Leave to Appeal in SLP (Civil) No.19765/2024. The Hon'ble Supreme Court of India also refused to interfere and therefore the Judgment Debtor sought for withdrawal of the SLP and the same was dismissed as withdrawn on 30.08.2024. After exploring all forums, the Judgment Debtor then filed an application under Section 151 of CPC for recalling the order dated 10.07.2024 once again with an intention to delay the execution of the Arbitration Award. This Court after hearing both the parties was pleased to dismiss the Application for recalling and further imposed cost on the Judgment Debtor. Thereafter writ petition in W.P.No.8353/2025 was preferred challenging the order of dismissal of recalling application by the Judgment Debtor. The Hon'ble High Court, extensively considered the entire litigation history and expressly observing the abuse of process of Court committed by the Judgment Debtor, dismissed the writ petition with the following observation:-

“18. The contention of the learned senior counsel is that this Court can now entertain the plea of jurisdiction as that is not considered by the coordinate Bench. I decline to accept the said submission. The petitioner having exhausted every conceivable avenue from the Executing Court to this Court and finally to the Apex Court, where even the last refuge was abandoned without liberty, now seeks to breathe life into a contention already laid to rest. It must be noted with concern that the petitioner's conduct is not merely a legal misadventure, but borders on abuse of judicial process. What the petitioner now seeks is not justice, but indulgence, not for correction of any error, but perpetuation of delay. The petitioner projects a plea, though dressed anew, smacks of staleness and artifice. The attempt to repackage previously rejected argument or arguments that are previously given up with cosmetic, linguistic change, cannot but be termed, to be an abuse of the process of the law. The doctrine of constructive res judicata, as elucidated by the Apex court in the afore-quoted judgment, unequivocally forecloses the present attempt. Judicial time, precious it is, already exhausted in the matter cannot be again diverted, to what is clearly a closed chapter. This Court, cannot permit litigation, to be

transformed into a theatre of endless grievance. In the light of the foregoing analysis and the authoritative pronouncements quoted, this Court finds no infirmity, let alone perversity, in the order impugned.

19. The issue is return of the original documents. In terms of the agreement, both the decree holder and the judgment debtor have exchanged original documents. Having suffered a decree, the judgment debtor is dodging the issue of return of documents. As noted hereinabove, it is undoubtedly an abuse of the process of law by the judgment debtor to somehow drag on the proceedings. Section 42 of the Act no doubt renders jurisdiction to a Court to entertain an execution petition. The said plea having been turned down, this Court finds no warrant to interfere with the order that is now passed which does not indicate any perversity.

20. Petition lacking in merit stands rejected, with costs of Rs.1,00,000/- to be paid by the petitioner/judgment debtor to the respondent/decreed holder. Interim order, if any operating, shall stand dissolved."

The order of the Hon'ble High Court dated 08.07.2025 was challenged before the Hon'ble Supreme Court of India by the Judgment Debtor in SLP (Civil)

No.3015/2026. The Hon'ble Supreme Court of India was pleased to dismiss the above appeal. The Judgment Debtor solely to defeat the Decree Holder from reaping fruits of the Arbitration Award dated 22.09.2018, has time and again preferred vexatious applications, petitions and delayed the execution of Arbitration Award dated 22.09.2018. The Decree Holder has been battling the dispute with the Judgment Debtor since 2013. By repeatedly filing frivolous and vexatious applications and petitions, the Judgment Debtor is abusing the process of law and preventing the matter from reaching its rightful conclusion. The Hon'ble High Court, in W.P.No.8353/2025, has categorically observed that the Judgment Debtor is abusing the process of Court. The conduct of the Judgment Debtor demonstrates a complete lack of regard for judicial authority and a consistent pattern of willful disregard of orders passed by competent courts. It is further pertinent to note that the fine imposed in the said proceedings remains unpaid to date, which itself

evidences the continued conduct of the Judgment Debtor. The present Application is yet another instance in continuation of such abuse of process. It requires to be stated that the present application has been after a delay of nearly two and half months without any sufficient explanation and the application is liable to be dismissed on this ground alone. The Judgment Debtor have been relentlessly attempting to ensure delay of Execution of the Arbitration Award dated 22.09.2018. Such attempts by the Judgment Debtor should be condemned by the Execution Courts and therefore, the present application requires to be dismissed with exemplary cost.

4. The Points that arise for my consideration is as under.

1. Whether the I.A.No.7 filed by the Judgment Debtor deserves to be allowed?
2. What order?

5. The learned counsel for the DHR has filed his synopsis of events stating that

05.12.2023	To delay the Execution proceedings once again, the Judgment Debtor filed IA under Section 47 r/w 151 CPC challenging the maintainability of the Execution Petition.
13.12.2023	Decree Holder filed objections to the above IA and also filed an IA under O XI Rule 14 CPC r/w 151 of CPC for production of documents. Matter was adjourned for filing objections and to hear on IA
04.01.2024	Judgment Debtor filed objections to the IA filed by Decree Holder. Matter was adjourned for hearing on IA.
17.01.2024	The Counsel for Judgment Debtor prayed for time.
29.01.2024	The Counsel for Judgment Debtor prayed for time.
09.02.2024	The Counsel for Judgment Debtor submitted that there is a chance for settlement and the matter was deferred for reporting settlement.
02.03.2024	Since the Judgment Debtor proposed unreasonable terms of settlement not agreeable to the Decree Holder, the Counsel for Decree Holder filed a memo stating that the Decree Holder is not willing to settle the matter. Matter was adjourned for hearing on IA.
19.03.2024	The Counsel for Judgment Debtor filed an application under Order 17 Rule 1 of CPC for adjournment.
30.03.2024	Even on the next date of hearing, when the counsel for Judgment Debtor was not willing to argue their application on maintainability, the counsel for Decree Holder requested the Court to hear their application for production of documents since the original documents belonging to the property of Decree Holder was in the custody of Judgment Debtor for 11 years. The Counsel for Decree Holder was heard on the application for production of documents. The Counsel for Judgment Debtor filed written arguments for both the applications and once again prayed time to submit arguments.
05.04.2024	The Counsel for Judgment Debtor prayed for time. Since this Hon'ble Court did not find any grounds for granting adjournment, matter was posted for orders by 10.04.2024.

	At 5.15 PM, the counsel for Judgment Debtor partly argued the matter and insisted that the issue of maintainability has to be decided first before granting any other order. The matter was adjourned for further arguments on maintainability.
10.04.2024	P.O was on leave.
20.04.2024	The Counsel for Judgment Debtor prayed time for further arguments on both applications.
23.04.2024	The Counsel for Judgment Debtor extensively argued on the issue of maintainability. The matter was adjourned for reply by Decree Holder.
28.05.2024	The Counsel for Decree Holder argued on both the applications and filed written submissions. The Counsel for Judgment Debtor sought time to reply. Matter was adjourned for reply by Judgment Debtor.
03.06.2024	The Counsel for Judgment Debtor sought time to reply, Counsel for Decree Holder objected to the same. Matter was adjourned for reply.
06.06.2024	Pleadings and arguments for both applications were concluded and the matter was posted for orders.
10.07.2024	This Hon'ble Court passed an order directing the Judgment Debtor to submit the documents to be kept in Court custody. In the said order, this Hon'ble Court also addressed the issue of maintainability raised by the Judgment Debtor. The same was a consolidated order on both the applications.
23.07.2024	Judgment Debtor approached Hon'ble High Court in W.P No. 20089/2024 to set aside the order dated 10.07.2024 and to direct the executing court to consider the application on maintainability dated 05.12.2023.
31.07.2024	The Hon'ble High Court refused to interfere with the execution proceedings and was pleased to dismiss the said Writ Petition. The Hon'ble High Court further directed the Judgment Debtor to deposit the original title deeds.
20.08.2024	Aggrieved by the dismissal of W.PNo. 20089/2024, the Judgment Debtor approached the Hon'ble Supreme Court of India in SLP (Civil) No. 19765/2024 seeking to set aside the order of Hon'ble High Court of Karnataka dated 31.07.2024. The Judgment Debtor urged specific questions of law and grounds on maintainability of execution petition and also took the contention that the Hon'ble High Court failed to consider that the execution petition was not maintainable.
30.08.2024	The Hon'ble Supreme Court of India refused to interfere with the order of the Hon'ble High Court and the execution

	proceedings. Therefore, the Judgment Debtor sought to withdraw the petition and the said SLP was dismissed as withdrawn.
15.10.2024	After exploring all forums, the Judgment Debtor filed L.A No. 3/2025 for recalling the order dated 10.07.2024.
16.11.2024	This Hon'ble Court was pleased to dismiss the application for recalling and imposed cost.
13.01.2025	The Decree Holder filed I.A No. 4/2025 under section 151 CPC for return of original title deeds.
03.02.2025	The Judgment Debtor filed I.A No. 5/2025 under section 151 CPC for consideration of application filed under Section 47 r/w section 151 CPC and for conducting enquiry.
06.03.2025	The Judgment Debtor filed Writ Petition in W.P No. 8353/2025, challenging the order dated 16.11.2025 whereby the recalling application was rejected by this Court. In the said Petition as well, the Judgment Debtor urged specific ground that the present execution petition is not maintainable.
08.07.2025	The Hon'ble High Court of Karnataka, after hearing contentions of both parties and going through entire records, rejected the Writ Petition by imposing cost of Rs.1,00,000/-. The Hon'ble High Court was pleased to observe the conduct of the Judgment Debtor in repeatedly abusing the process of the Court by attempting to repackage previously rejected arguments or arguments that are given up.
23.07.2025 05.08.2025 16.08.2025 28.08.2025 09.09.2025 17.09.2025 23.09.2025 14.10.2025 28.10.2025 04.11.2025 20.11.2025 05.12.2025 05.01.2026	This Hon'ble Court heard the Decree Holder and Judgment Debtor on I.A.No.4 and I.A.No.5. In the meanwhile, the Judgment Debtor also filed an application in I.A.No.6 on 28.08.2025. This Hon'ble Court reserved for orders on all applications after extensively hearing the parties.
19.01.2026	The Judgment Debtor approached the Hon'ble Supreme Court of India in SLP (Civil) No.3015/2026 challenging the order dated 08.07.2025 passed by the Hon'ble High Court of Karnataka in W.P.No.8353/2025. The Judgment Debtor challenged the maintainability of execution proceedings as well as the observations at para 18

	and 19 made by the Hon'ble High Court in order dated 08.07.2025. The Hon'ble Supreme Court of India refused to interfere with the order and dismissed the Special Leave Petition.
22.01.2026	This Hon'ble Court passed orders on I.A No. 5 and 6.
09.04.2026	The Judgment Debtor filed IA.No.7 for review of order dated 22.01.2026 passed by this Hon'ble Court in I.A.No.5.

It is submitted that the Judgment Debtor has raised the issue of maintainability before this Court. This Court heard the issue of maintainability as preliminary issue and conclusively held that the execution petition is maintainable. Thereafter, the Judgment Debtor approached the Hon'ble High Court of Karnataka in WP.No.20089/2024 for consideration of application filed on 05.12.2023 under Section 47 r/w section 151 of CPC challenging maintainability of execution petition. The Hon'ble High Court refused to grant the order and dismissed the writ petition. Aggrieved by the dismissal of Petition, Judgment Debtor approached the Supreme Court of India in SLP Civil No.19765/2024 and urged that the Hon'ble High Court failed to consider the issue of maintainability. The Hon'ble Supreme Court of India also

refused to interfere with the order of the Hon'ble High Court the Judgment Debtor subsequently withdrew the SLP and the SLP was dismissed as withdrawn. It also requires to be noted that the Judgment Debtor raised the issue of maintainability once again before the Hon'ble High Court of Karnataka in W.P.No.8353/2025. The Hon'ble High Court once again rejected the contention of the Judgment Debtor and further observed that the Judgment Debtor was abusing the process of the Court by repackaging the issues repeatedly. Therefore, once the Hon'ble High Court as well as the Hon'ble Apex Court have declined to interfere with the present execution proceedings and have affirmed the order of this Hon'ble Court on the issue of maintainability, the said issue has attained finality. The Judgment Debtor cannot reagitate or reargue the very same issue in the guise of a review petition. Such an attempt is clearly barred by the settled principles of constructive res judicata.

6. The learned counsel for the JDR has filed his synopsis of events stating that:

SI No.	Date	Calendar of events
1.	28.06.2013	Execution of the Joint Development Agreement (JDA) between Judgement Debtor and Decree Holder, granting Judgement Debtor 52% development rights over the suit schedule property.
2.	24.06.2013	Memorandum of Understanding (MoU) signed by both parties recording preliminary commercial terms and obligations.
3.	05.05.2015 15.07.2016	Judgement Debtor sends repeated written emails requesting execution of a General Power of Attorney (GPA) for lawful development; Decree Holder fails to comply.
4.	20.08.2016	Decree Holder sends a written reply email stating that GPA is "not required at all," thereby repudiating contractual obligation under JDA.
5.	December	Decree Holder files CMP No. 316/2017 before the Hon'ble High Court of Karnataka under Section 11(6) of the Arbitration and Conciliation Act seeking appointment of Arbitrator.
6.	February 2018	Hon'ble High Court appoints Hon'ble Justice Ashok B. Hinchigeri (Retd.) as the Sole Arbitrator by allowing CMP No. 316/2017.
7.	22.09.2018	A Consent Arbitral Award is passed in Arbitration Case No. 44/2018, affirming Judgement Debtor's 52% contractual share and requiring compliance by Decree Holder.
8.	23.11.2018	Government of Karnataka declares Madikeri as landslide-affected, new construction and land conversion approvals are suspended.
9.	2020	COVID-19 pandemic suspenda site work and government administrative activity across Karnataka, including land approvals.
10.	16.06.2020	Decree Holder files Execution Petition No. 1075/2020 before City Civil Court, Bengaluru, to enforce Consent Deed dated 22.09.2018.
11.	14.12.2021	Decree Holder attempts reissuance of Consent Award

		post expiry of statutory mandate under Section 29A Arbitration Act-legally infirm and challenged.
12.	05.12.2023	JDR filed an Application Under Section 47 of Code of Civil Procedure on various grounds with respect to maintainability.
13.	13.12.2023	DHR filed an Application U/o XI Rule 14 R/w Section 151 of CPC.
14.	10.07. 2024	The Hon'ble Court disposed of the IA filed by the Decree Holder directing the Judgement Debtor to submit the title documents to the custody of the court and the in the said order the question of jurisdiction was also answered.
15.	23.07.2024	Being aggrieved by the said order, the Judgement Debtor filed WP. No. 20089/2024 before the High Court of Karnataka challenging only the handing over the documents to the custody of the Honourable Court.
16.	31.07.2024	In Writ Petition No.20089/2024, Honourable High Court directed the Judgement Debtor to submit the title deeds to the custody of the court and directed the documents be kept in the custody of the court till an enquiry is conducted by the execution court.
17.	20.08.2024	The Judgement Debtor filed an Special Leave Petition in SLP No. 19765/2025 challenging the Order passed in WP. 20089/2024.
18.	30.08.2024	Above SLP No.19765/2024 came to be dismissed as withdrawn. Hence, the order in WP No. 20089/2024 subsisted.
19.	15.10.2024	JDR filed an Application to Recall the Order dated 10.07.20204.
20.	16.11.2024	The Hon'ble Court rejected the IA filed by Judgement Debtor to recall Order dated 10.07.2024.
21.	13.01.2025	DHR filed an Application Under Section 151 of the CPC to release the original title deeds.
22.	03.02.2025	The JDK filed an Application Under Section 151 of 05.12.2023 CPC to consider the Application filed Under Section 47 Readwith Section 151 of the CPC dated 05.12.2023.
23.	07.02.2025	Decree Holder executes a registered Sale Deed in favour of VDB & IDC Projects LLP for 12,00,00,000/-, fraudulently including Judgement Debtor's 52% share in the alienated property.

24.	06.03.2025	The Judgement Debtor filed WP 8353/2025 before High Court of Karnataka being aggrieved by Order dated 16.11.2024.
25.	08.07.2025	The Hon'ble High Court rejected the Writ Petition No. 8353/2025 but did not mention or interfere with the direction issued by Justice. R. Devdas in WP 20089/2024.
26.	28.08.2025	JDR filed an Application Under Section 47 Readwith Section 151 of CPC and further on the same day expressed to withdraw the said application but by oversight failed to file memo.
27.	22.01.2026	The Hon'ble disposed off IA No. 5 and 6 in favour of the Decree Holder. Instead of disposing the IA U/s 47 of CPC filed on 15.12.2023, this Honourable Court was pleased to dispose IA No.6.
28.	25.02.2026	The Judgement Debtor filed WP No. 6974/2026 before High Court of Karnataka challenging Order dated 22.01.2026.
29.	08.04.2026	The Hon'ble High Court allowed the Judgement Debtor to withdraw WP. 6974/2026 with liberty to file review application in Execution Court.
30.	09.04.2026	The Judgement Debtor filed Review Application before this Hon'ble Court.

Brief facts of the case:-

At the outset, it is submitted that the Judgment Debtor had approached the Hon'ble High Court of Karnataka in Writ Petition 6974/2026 challenging the order of this Hon'ble Court dated 22.01.2026 on IA filed by the Judgement Debtor, and the Hon'ble High Court, by order dated 08/04/2026, was pleased to grant liberty to the

Judgment Debtor to file a Review Petition. The necessity for seeking review arises specifically due to the non-consideration of binding judicial directions issued in an earlier order passed by Justice R.Devadas in Writ Petition No. 20089/2024. The allegation made by the Decree Holder that the Judgment Debtor is indulging in multiple proceedings merely to delay the matter is denied, as the remedies invoked are legitimate and necessitated by material irregularities and omissions which go to the root of the matter. The Judgment Debtor places strong reliance on the order passed by the Hon'ble High Court of Karnataka in W.P.No.20089/2024 dated 31/07/2024 by Hon'ble Justice R.Devdas, wherein a specific and categorical direction was issued to conduct an inquiry for the purpose of determining the factual disputes between the parties. The said direction assumes great significance in the present context, as the disputes between the parties are not merely legal but involve complex and contested questions of fact. It is submitted that the subsequent order

passed by Hon'ble Justice Nagaprasanna in W.P. No. 8353/2025 does not even advert to, much less consider or overrule, the earlier order passed by Hon'ble Justice Devdas. In the absence of any express reference or judicial determination overruling the earlier direction, the said order continues to subsist and remains binding on the parties. The attempt on the part of the Decree Holder to rely on subsequent proceedings to bypass a mandatory inquiry is therefore wholly untenable in law. It is also submitted that there is no finding in any order restricting the scope of such inquiry solely to the General Power of Attorney, and any such contention is an afterthought introduced only to avoid a full adjudication. The Judgment Debtor submits that the dispute between the parties arise out of a Joint Development Agreement, Arbitration Compromise and General power of Attorney executed in relation to immovable property. The DHR has asserted that the said documents have been unilaterally cancelled; however, such assertion is categorically denied by the

Judgment Debtor. It is a settled principle of law that, unilateral cancellation of a registered Joint Development Agreement or General Power of Attorney has no legal sanctity unless the same is adjudicated and upheld by a competent civil court. Where one party alleges cancellation and the other disputes the same, the matter necessarily requires adjudication by way of a full-fledged trial. In the present case, serious questions arise as to whether such cancellation was valid, whether the Judgment Debtor failed to perform any obligations under the Joint Development Agreement, and whether any alleged failure is attributable to the conduct of the Decree Holder himself. These questions cannot be decided summarily in execution proceedings and require evidence to be led by both parties. It is further submitted that, under the terms of the arbitration compromise, there are force majeure limitation and the Judgment Debtor is entitled to 2.5 acres of land in case of non performance. The Judgment Debtor submits that the Decree Holder has purportedly alienated the

property, including the share attributable to the Judgment Debtor, during the pendency of disputes and handed over the possession of the property for development contrary to their submission in court. The Judgment Debtor has also been subjected to multiple complaints and harassment at the hands of the Decree Holder. In such circumstances, where the very entitlement to property remains disputed and unadjudicated, and where the property itself is yet to be lawfully apportioned and registered, this Hon'ble Court cannot direct the handing over of title deeds in execution. Any such direction would amount to granting substantive relief without adjudication of rights and would cause irreparable prejudice to the Judgment Debtor. The Court committed an error apparent on the face of the record by passing an order on a later application under Section 47 CPC while overlooking an earlier application filed on 05.12.2023, despite a subsequent request under Section 151 CPC to consider it. It is contended that this procedural lapse has caused prejudice and hardship, and therefore

the review is sought in the interest of justice. The Judgment Debtor also objects to the attempt made by the Decree Holder to amend, modify, add, or delete substantive prayers by way of a Memo. It is submitted that such a course is impermissible in law. Any amendment which materially alters the nature of the relief sought must be carried out only by way of a formal application for amendment, thereby affording an opportunity to the Judgment Debtor to file detailed objections. Permitting substantial changes through a Memo would be contrary to established procedural law and violative of the principles of natural justice.

7. After hearing the arguments and after considering the available material on record my answer to the above points are:-

Point No.1 :- In the **Affirmative**,

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

REASONS:

8. POINT NO.1: This application filed by the Judgment Debtor under Order 47 Rule 1 r/w Sec.114 of CPC, seeking to review the order dated 22.01.2026 and recall the same passed by this Court, and consequently be pleased to post the matter for enquiry, in compliance with the directions issued by the Hon'ble High Court of Karnataka, Bengaluru in W.P.No.20089/2024 dated 31st July 2024, in the interest of justice and equity.

9. In the annexed affidavit JDR has stated that this Court has not taken notice of the order passed by Hon'ble High Court of Karnataka, Bengaluru in W.P.No.20089/2024 dated 31st July 2024. Therefore, to review the application as it is error apparent on the face of record, also filed synopsis of events.

10. On the other hand, the learned counsel for DHR has filed here the calendar of events and synopsis to assist the Court.

11. On perusal of record, this execution petition is arising out of a arbitration award, wherein both the parties have entered into compromise petition before Hon'ble Arbitrator. From the beginning, the JDR has filed 2 to 3 applications disputing the maintainability of the execution petition before this Court. However, as order was passed by this Court on the grounds of maintainability, the same is confirmed by Hon'ble High Court of Karnataka, Bengaluru. Aggrieved by the same, the JDR herein have challenged the question of maintainability before Hon'ble Apex Court. However, the JDR have withdrawn the Special Leave Petition before Hon'ble Apex Court.

12. In the last occasion, in the order dated 22.01.2026 this Court has disposed the application under Sec.47 of CPC filed by JDR, observing on the maintainability of the execution petition. But, in the said orders on (I.A.No.6) this Court has observed only on the maintainability and also the observations made by Hon'ble

High Court of Karnataka, Bengaluru in W.P.No.8353/2025. Besides, this Court by inadvertence not noticed anything about the order passed by Hon'ble High Court of Karnataka, Bengaluru in W.P.No.20089/2024.

13. In my humble opinion, while passing orders on I.A.No.5 and 6 dated 22.01.2026, this Court the order of Hon'ble High Court of Karnataka, Bengaluru in W.P.No.20089/2024 was already on record had not noticed the same in the said order. In this regard, learned counsel for DHR argued that in W.P.No.8353/2025 Hon'ble High Court of Karnataka, Bengaluru has also observed the observation passed by Hon'ble High Court of Karnataka, Bengaluru in W.P.No.20089/2024. Therefore, according to the learned counsel for DHR this application itself is not maintainable. The reasons assigned in this application will not comes under the purview of under Order 47 as there is no apparent error on the face of record. According to the learned counsel for DHR, this Court has passed the order considering all the materials available on record.

Therefore, the application itself is not maintainable. Hence, to reject the same.

14. On the other hand, the learned counsel for JDR at length argued stating that the Hon'ble High Court of Karnataka, Bengaluru in W.P.No.8353/2025 has observed only on the maintainability and has not observed anything about the orders passed by Hon'ble High Court of Karnataka, Bengaluru in W.P.No.20089/2024. This Court while passing the orders on I.A.No.5 and 6 dated 22.01.2026 has not at all observed anything about the observations of Hon'ble High Court of Karnataka, Bengaluru in W.P.No.20089/2024, wherein, in the said order Hon'ble High Court of Karnataka, Bengaluru has observed that the execution Court has to hold an enquiry and then to dispose of the matter. The same is not considered by this Court. Therefore, the order passed by this Court on I.A.No.5 and 6 is not noticed the order passed by Hon'ble High Court of Karnataka, Bengaluru in

W.P.No.20089/2024 which comes under the purview of error apparent on the face of record. Therefore, to consider the application and to allow the application.

15. The learned counsel for JDR has also filed memo of following citations on 28.04.2026 :-

1. SC 1304 :: 2022(6) MAD LJ 357

(S.Madhusudhan Reddy V/s. V.Narayana Reddy).

2. SC 813 :: (2021) 1 CIV LJ 79 (SC)

Ram Sahu (dead) through LRs V/s. Vinod Kumar Rawat.

In both the decisions the Hon'ble Apex Court observed that an error can be corrected by exercising power under Order 47 Rule 1 of CPC. This Court as also corrected the error apparent in the face of record by rectifying its order as contemplated under Order 47 Rule 1 of CPC.

16. On perusal of records and on going through the orders passed by Hon'ble High Court of Karnataka, Bengaluru in W.P.No.8353/2025, at para No.11 it is observed as below:-

“11. The aforesaid order is challenged before this Court in W.P. No. 20089 of 2024. In the writ petition the petitioner/judgment debtor also seeks for a direction to the concerned Court to consider the application filed under Section 47 of the CPC. The application, under Section 47 of the CPC, was with regard to maintainability of the Execution Petition before the concerned Court, on the strength of Section 42 of the Act. The coordinate bench rejects Writ Petition No, 20089 of 2024 by the following order:

The petitioner, a developer who had entered into an agreement of development with the respondent is before this court aggrieved of the impugned order at Annexure-A passed by the Executing Court, directing the petitioner herein to deposit the original documents belonging to the respondent herein, for inspection in order to adjudicate the matter and it was directed that it would be better to keep the documents in the court custody.

2. The brief facts that being the parties before this court is that when the respondent went before the Arbitral Tribunal seeking adjudication of the disputes between the parties arising of the agreement that was entered into between the parties at an undisputed point of time. It appears that a compromise petition was filed by the parties and the Arbitral Tribunal passed an order on 22.09.2018 in AC No.44/2018 on the basis of the Memorandum of Understanding signed by the parties and

respective learned advocates, wherein it was recorded that the parties are present before the Tribunal and they are identified by their respective learned advocates. It was recorded that the parties have stated that they have entered into the settlement on their own volition and without any duress from anybody. The Tribunal finds that the settlement arrived at is fair and proper and therefore, the arbitration case was disposed of in terms of the memorandum of compromise extracted into the said order.”

Hon'ble High Court of Karnataka, Bengaluru has not observed the correctness or otherwise the orders of Hon'ble High Court of Karnataka, Bengaluru in W.P.No.20089/2024 then as rightly argued by learned counsel for DHR the same is challenged by JDR before Hon'ble Apex Court. But, in the Hon'ble Apex Court, the JDR has withdrawn his Special Leave Petition.

17. Therefore, the observations made by Hon'ble High Court of Karnataka, Bengaluru in W.P.No.20089/2024 remained as it is and reached its finality. On careful perusal of orders passed by this Court on I.A.No.5 and 6 even through the orders of Hon'ble High Court of

Karnataka, Bengaluru in W.P.No.20089/2024, this Court has not noticed that, in my humble opinion the same is error apparent on the face of record. In the said order Hon'ble High Court of Karnataka, Bengaluru has directed this Court to hold an enquiry and to dispose off execution petition. Besides, the I.A.No.5 filed by the JDR, this previous application is filed for seeking to hold an inquiry, but in the order dated 22.01.2026 this Court has observed only on maintainability and not on holding inquiry. Therefore, by considering the above aspects, it is necessary to this Court to review the orders passed on I.A.No.5 and 6 by allowing the application I.A.No.7 filed by JDR under Order 47 Rule 1 r/w Sec.114 of CPC. Therefore, I answer this point in the '**Affirmative**'.

18. POINT No.2:- For the foregoing reasons, I proceed to pass the following:-

ORDER

I.A.No.7 filed by the JDR under Order 47 Rule 1 r/w Sec.114 of CPC, is hereby allowed.

Order dated 22.01.2026 reviewed and recalled.

It is ordered to hold an enquiry as per observation of Hon'ble High Court of Karnataka, Bengaluru, in W.P.No.20089/2024.

For enquiry and to hear on memo filed by the DHR on 15.06.2026.

(Dictated to the Steno Gr.II, transcript thereof, typed by her on computer, after correction pronounced by me in open Court on this **30th day of April, 2026**).

**(NISHARANI A.C)
III ADDL. CITY CIVIL AND
SESSIONS JUDGE, BENGALURU.**