

KABC170008212023



## **ORDERS**

The case is today listed for orders on IA No.22 and 24.

Heard Sri.Suresh. S. Lokre learned designated senior counsel appearing for the counsel on record for JDR and the learned counsel appearing for the decree holder.

IA Nos.22 and 24 are filed by the judgment debtor under Section 47 r/w. Section 151 of CPC for holding an inquiry to decide the executability of the award dated 13.12.2021 passed in AC No.72/2021 in terms of the orders passed in WP No.594/2025 dated 19.02.2025 by the Hon'ble High Court of Karnataka and under Section 144 r/w. Section 151 of CPC, seeking similar reliefs. Along with the application the judgment debtor has filed memo with several documents.

Common statement of objections are filed by the decree holder for both the applications.

Upon hearing the learned designated senior counsel appearing for the judgment debtor and the counsel for the degree holder and upon perusal of the grounds urged in the application the judgment debtor apart from contesting that there has been improper service of notice on the judgment debtor has taken a specific plea that the award which is put

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to execution in this proceedings has now become unexecutable as it has been duly complied with by the judgment debtor and the terms of the JDA dated 07.05.2007 has been put into force, construction being completed and flats have been already sold. Per contra it is the contention of the decree holder that all the sale deeds which have been produced by the judgment debtor have been executed by the JDR only subsequent to revocation of the GPA dated 11.06.2018 and therefore the sale deeds are null and void and non-est in law and cannot be sustained.

Along with the application the judgment debtor has produced copy of the order passed by the Hon'ble High Court in WP No.594/2025 dated 19.02.2025 where in this court has been directed to hear both sides and pass appropriate orders and it has been observed that if the executing court dismisses the petition then a commissioner be appointed for setting aside the cancellation of JDA and restore the JDA. There is also an interim order passed by the Hon'ble High Court wherein both parties are directed not to create any third party interest in the schedule premises.

Following the observations made by the Hon'ble High Court as mentioned above and considering the contentions put forth by the JDR in both the applications the grounds urged more particularly with respect to executability of the decree or award as passed in AC No.72/2021 dated 13.12.2021 it becomes just and necessary to hold an inquiry with regard to the same. Civil vacations are ensuing

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from 05.05.2025 to 31.05.2025. Therefore it would be just and proper to post the matter after vacations to the purpose of holding a preliminary inquiry regarding excitability of the award.

For the aforesaid reasons orders on IA Nos.22 and 24 are deferred for now.

Posted for inquiry on IA Nos.22 and 24 by  
**11.06.2025.**

**C/c.LXXXIV, ACC & SJ, B'LURU.**