

PARTICULARS

i	Provision under which the application is filed	Section 151 of C.P.C
ii	Relief sought for	Direction to Sub-Registrar to cancel Sale Deed
iii	The date on which the application is filed	27.06.2022
iv	Number of application	IA No.II
v	The date on which the objections are filed by different opponents	10.10.2022
vi	The date on which the orders were passed on the said application	15.03.2025

ORDER ON I.A.No.II UNDER SECTION 151 OF CPC

The counsel for Decree Holder has filed this application to issue necessary direction to the Sub-Registrar, Belagavi to cancel the Sale Deed bearing document No.6581/2006-07 dated 15.02.2018.

2. In the affidavit annexed to the application, it is averred that the plaintiff had filed suit for declaration and injunction. The suit was decreed declaring the Sale Deed dated 15.02.2018 is not binding on the plaintiff. Therefore,

the said Sale Deed has to be canceled. Accordingly, Decree Holder prayed to allow the application.

3. Judgment Debtors have filed objections contending that the relief sought in the application cannot be granted. There is no decree to that extent. Accordingly, Judgment Debtors prayed to dismiss the application.

4. There was no representation for both counsel. Hence, arguments on application taken as heard. Perused the materials available on record.

5. Now the points that arise for consideration are as follows;

POINTS

1. Whether the application deserves to be allowed?
2. What order?
6. My answer to the above points are as hereunder:

Point No.1: In the Negative.

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

REASONS

7. **Point No.1:-** The plaintiff has filed the suit for declaration that the Sale Deed dated 15.02.2018 is not

binding on the plaintiff. The suit is decreed in the following terms:

- i) The suit of the plaintiff is decreed with costs.
- ii) Defendants are hereby restrained by way of Permanent Injunction from disturbing, obstructing or interfering with the peaceful possession enjoyment in the suit property by the plaintiff and taking forceful possession of the suit property without following due procedure of law.
- iii) It is further declared that Sale Deeds dated 24.11.2006 and 15.02.2008 are not binding on the plaintiffs.

8. The Court has not declared the Sale Deed dated 15.02.2008 to be a null and void document. The Court has also not canceled the Sale Deed dated 15.02.2008. Therefore, the Decree Holder is seeking the relief in this application beyond the decree. The Court cannot go beyond the decree. In view of the same, the relief sought in the application cannot be granted. ***Accordingly, point No.1 is answered in the Negative.***

ORDER

I.A.No.II filed by Decree Holder under Section 151 of C.P.C is hereby dismissed.

**I Addl. C. J. & JMFC,
Belagavi.**

PARTICULARS

i	Provision under which the application is filed	Section 151 of C.P.C
ii	Relief sought for	Police protection
iii	The date on which the application is filed	20.09.2022
iv	Number of application	IA No.III
v	The date on which the objections are filed by different opponents	10.10.2022
vi	The date on which the orders were passed on the said application	15.03.2025

ORDER ON I.A.No.III UNDER SECTION 151 OF CPC

The counsel for Decree Holders has filed this application seeking police protection to implement the order of injunction.

2. In the affidavit annexed to the application, it is averred that Judgment Debtors are disturbing the possession of the plaintiff over the suit property despite there being a decree. Accordingly, Decree Holders prayed to allow the application.

3 Judgment Debtors have filed objections contending that the police protection cannot be given under the facts of the case. There is no disobedience by Judgment Debtor. Accordingly, Judgment Debtors prayed to dismiss the application.

4. There was no representation for both counsel. Hence, arguments on application taken as heard. Perused the materials available on record.

5. Now the points that arise for consideration are as follows;

POINTS

1. Whether the police protection can be granted for implementation of the decree?
 2. What order?
6. My answer to the above points are as hereunder:

Point No.1: In the Negative.

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

REASONS

7. Point No.1:- The suit for injunction is decreed. The decree is being executed. Order XXI Rule 32 of C.P.C has laid down the procedure to be adopted in executing the decree for injunction. The remedy available to the Decree Holders is in the purview of the Order XXI Rule 32 of C.P.C. The police protection is not provided under the said provision.

The Decree Holder has to lead evidence to show the disobedience and to get the remedy available under the law. Therefore, upon filing an application, police protection cannot be granted to execute the decree. ***Accordingly, point No.1 is answered in the Negative.***

ORDER

I.A. No.III filed by Decree Holders
under Section 151 of C.P.C is hereby
dismissed.

**I Addl. C. J. & JMFC,
Belagavi.**

PARTICULARS

i	Provision under which the application is filed	Section 151 of C.P.C
ii	Relief sought for	order of Status-quo
iii	The date on which the application is filed	23.09.2022
iv	Number of application	IA No.IV
v	The date on which the objections are filed by different opponents	10.10.2022
vi	The date on which the orders were passed on the said application	15.03.2025

ORDER ON I.A.No.IV UNDER SECTION 151 OF CPC

The counsel for Decree Holders have filed this application seeking an order of Status-quo against the Judgment Debtors with respect to suit property.

2. In the affidavit annexed to the application, it is averred that despite there being a decree, the Judgment Debtors are putting up construction over the suit schedule property. Therefore, an order of Status-quo has to be granted. Accordingly, Decree Holders prayed to allow the application.

3 Judgment Debtors have filed objections contending that the application is not maintainable. Order of Status-quo cannot be granted in an execution petition. Accordingly, Judgment Debtors prayed to dismiss the application.

4. There was no representation for both counsel. Hence, arguments on application taken as heard. Perused the materials available on record.

5. Now the points that arise for consideration are as follows;

POINTS

1. Whether an order of Status-quo can be granted in an execution petition?

2. What order?

6. My answer to the above points are as hereunder:

Point No.1: In the Negative.

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

REASONS

7. **Point No.1:-** The Court is executing the decree of injunction. There is already an order of injunction in

favour of the Decree Holders/plaintiffs. Again passing an order of Status-quo does not arise.

If an order of Status-quo is passed, there will be no meaning for the decree of injunction. Therefore, in execution proceedings, the order of Status-quo cannot be granted. ***Accordingly, point No.1 is answered in the Negative.***

ORDER

I.A. No.IV filed by Decree Holders under Section 151 of C.P.C is hereby dismissed.

For further enquiry of Decree Holders, if any.

Call on 22.04.2025.

**I Addl. C. J. & JMFC,
Belagavi.**