

PARTICULARS

i	Provision under which the applications is filed	Under Section 151 of CPC
ii	Relief sought for	
iii	The date on which the applications are filed	15.10.2022
iv	Number of application	I.A.No.VI
v	The date on which the objections are filed by different opponents	-----
vi	The date on which the orders were passed on the said application.	23.06.2026

ORDERS ON I.A.No.VI FILED BY DECREE HOLDER UNDER SECTION 151 OF CPC

The I.A. No. VI is filed under Section 151 of CPC seeking to issue direction to the Sub-Registrar, Belagavi to make endorsement on the documents bearing its Doc. No. 5908/2010-11 and 5910/2010-11 dated 23.09.2010 executed by J.Dr. No.1 in favour of J.Dr. No.2 are null and void.

In the accompanying affidavit, it is submitted that the execution petition was filed for the purpose of getting sale deed registered and during the course of petition proceedings it is contended that Court Commissioner was appointed to get the Sale Deed executed. The learned counsel for DHR has relied the decision reported in ILR 1989 [2] Page 2889 and AIR 1998 [SC] 2216 Ganesh Shet Vs. Dr. CSGK Shetty to emphasis that the endorsement is necessary so as to avoid the documents being misused by the parties and to avoid future litigations. Contending these grounds DHR has sought to allow the I.A.

Perused the application. The execution petition is filed for seeking execution of Judgment in O.S. No. 1009/2013 passed on 05.03.2016. The Judgment is extracted below for ready reference :

"The suit of the Plaintiff is hereby decreed.

The Defendant No. 1 is hereby directed to execute the sale deeds in respect of the Suit Properties by accepting the balance consideration of Rs. 25,000/- and execute the registered sale deed in favour of Plaintiff and hand over the actual physical possession of the Suit Properties in favour of the Plaintiff.

The Defendant No. 2 is hereby restrained to alienate the Suit Properties in any manner.

The sale deeds executed by the Defendant No. 1 under documents No. 5908/2010-11 and 5910/2010-11 are null and void and not binding on the Plaintiff.

If the Defendant No. 1 is failed to execute registered sale deed in favour of the Plaintiff, the Plaintiff is entitled to take effective steps against the Defendant No. 1 and got execute registered sale deed in accordance with law.

Looking the previous litigation, looking to the nature of the suit and facts and circumstances of the case, the costs are not awarded to the Plaintiff."

This court cannot direct the office of Sub-Registrar, Belagavi to endorse on the documents as sought by DHR as this court acting as executing court cannot go beyond the terms of the decree and there is no specific provision contemplated under law to issue such direction to the Sub-Registrar. The decision relied by the DHR also do not state such proposition of law, empowering

the trial court to issue direction acting under Section 151 of CPC to the Sub-Registrar to give endorsement on the documents when suit for the relief of specific performance of contract is decreed . Hence, this court proceeds to pass the following;

ORDER

**I.A. No. VI filed under Section 151 of CPC by
the decree holder is hereby dismissed**

For steps 04.07.2026

Sd/-

23.06.2026

**IV Addl. Civil Judge & JMFC,
Belagavi.**