

ORDER ON IA NO.I

i.	Provision under which the application is filed	:	IA.No.I U/o.XXI Rule 35 R/w Sec.151 of CPC.
ii.	Relief sought for	:	For issuance of possession warrant.
iii.	The date on which the application is filed	:	08.01.2026
iv.	Number of the application	:	I.A.No.I.
v.	The date on which the objections are filed by different opponents	:	Objection was taken as nil on 10.02.2026. Arguments was also taken as nil on 10.02.2026.
vi.	The date on which the orders were passed on the said application	:	13.03.2026.

1. The decree holder (Dhr) has filed IA.No.I U/o.XXI Rule 35 R/w Sec.151 of CPC for issuance of possession warrant as per the judgment & decree dated 13.10.2023 passed in OS.No.53/2018.

2. In support of above application, the Dhr has sworn to an affidavit, wherein she mainly prayed to issue possession warrant to hand over the possession of the suit property in accordance with judgment and decree dated 13.10.2023 passed in OS.No.53/2018. She further stated that, there is no any appeal or stay order against the judgment and decree passed in aforesaid suit. With this she prayed to allow application as sought for.

3. The Jdrs have appeared through their counsel but no filed any objection above application.

4. Heard both side. Perused application & all other materials on record. Upon going through the same, the points that would arise for consideration are as under:

POINTS

1. Whether the Dhr has made out grounds to allow above application ?
2. What order ?

5. This court answers to above points as under ;

Point No.1 : In the affirmative.

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

REASONS

6. Point No.1 : This execution petition is filed by the Dhr seeking issuance of possession warrant in respect of the property, in accordance with the judgment and decree dated 13.10.2023 passed in OS.No.53/2018. As per said judgment & decree, the Dhr was declared as owner of the suit property. Further the defendants viz., Jdrs herein were directed to hand over the possession of suit property to the plaintiff/Dhr within three months, but they did not obey the order.

7. As per the materials on record, the appeal RA.No.5058/2023 preferred against the judgment & decree passed in OS.No.53/2018, came to be dismissed on 13.10.2023. Further no any stay order is in force as on today. Under such circumstances, this court is of opinion that, it is just & necessary to issue possession warrant as sought for. Accordingly point No.1 is answered in the affirmative.

8. **Point No.2** : In view of above findings, the court proceeds to pass the following:

ORDER

IA.No.I filed U/o.XXI Rule 35 R/w Sec.151 of CPC by the Dhr is hereby allowed.

Issue possession warrant through bailiff as per the judgment & decree dated 13.10.2023 passed in OS.No.53/2018, if requisite PF is paid.

R/by: 28.04.2026.

**Prl. Senior Civil Judge & JMFC,
Jamakhandi.**