

ORDER

The present Petition has been filed by the Petitioner to draw the final Decree as per the Preliminary Decree dated 19.11.2013 passed in OS No.320/2013.

Thereafter, this Court by Order dated 08.02.2018 appointed Tahasildar, Kadur as Court commissioner to carve out of the share as per the preliminary Decree.

On 09.07.2018, the Court commissioner has submitted his report stating that the respondents have objected to execute the commissioner warrant citing pendency of Writ Petition in W.P. No.6102/2018. The respondent also furnished copy of the stay order passed by the Hon'ble High Court of Karnataka.

On 01.03.2024, the learned counsel for the Petitioner furnished copy of the Order passed by the Hon'ble High Court of Karnataka dated 35562/2018. Wherein, The

Hon'ble High Court of Karnataka dismissed the writ petition filed by the Respondent herein. Though writ petitions no.6102/2018 and 35562/2018 filed by the same parties, the prayer made in these writ petitions are entirely different. As such this court perused the status of the Writ Petition no. 6102/2018, wherein the Hon'ble High Court of Karnataka pleased to dispose the petition by observing as follows:

4. The respondent No.1 has initiated a final decree proceedings on 19.03.2014. This Court, vide order dated 02.08.2018, stayed all further proceedings in FDP No.8/2014 and the same is extended from time to time. Learned counsel for the respondents submits that the present writ petition may be disposed of by continuing the stay order passed by this Court, till the disposal of the appeal

5. Submission of learned counsel for the respondents is

*placed on record. Accordingly, writ petition is disposed of. The interim order granted on 02.08.2018, is continued till the **disposal of the appeal.***

As such, though the Hon'ble High Court of Karnataka disposed the writ Petition No. 6102/2018 on 26.08.2021, but the interim order of stay continued till the disposal of the R.A No.1/2014. The said R.A No.1/2014 is pending for consideration before Hon'ble Senior Civil Judge Court. Hence, the stay order dated 02.08.2018 still continues. Hence, this court cannot proceed with the matter.

Await Order .

Call on. 3.08.2024.

Sd/-
I Addl. Civil Judge and JMFC,
Kadur.