

KACM410000112025



Presented on : 08-01-2025
Registered on : 08-01-2025
Decided on : 07-03-2026
Duration : 1 years, 1 months, 30 days

**IN THE COURT OF
SENIOR CIVIL JUDGE AND JMFC, MUDIGERE AT
Mudigere, CHIKKAMAGALURU
Presided Over by PRAKASH.P.M.**

EX/1/2025

Exhibit No.:

Decree Holder:
K.M.Pradeep
Age: 53
Occupation :
Address: Devarunda Village and Post..
Gonibeedu Hobli, Mudigere Taluk
Chikamagalore District

VERSUS

Judgement Debtor:
Yogesh B.S
Age: 55
Occupation :
Address: House No 52,
Adhithyanagar. Ss Palya, Vidyarannyapura
Bangalore.

Advocate for Decree Holder: D. SIDDAIAH

Advocate for Judgement Debtor: appearing for Yogesh B.S: Advocate
appearing for respectively.

Claim :

JUDGMENT
(Delivered on 07-03-2026)

ORDER

Heard on I.A.No.4. For orders.

Sd/-

Senior Civil Judge and JMFC.,
Muidgere.

ORDER ON I.A.NO.4 FILED BY
THE D.HR U/SEC. 151 OF CPC

The present execution petition is filed by the Decree Holder to execute the compromise decree passed by this Court in O.S. No. 08/2023, wherein the defendants have agreed to execute the sale deed in favour of the plaintiff in respect of the property bearing Sy. No. 483 measuring 4 acres 38 guntas

situated at Devavrunda Village, Gonibeedu Hobli.

The Decree Holder has filed I.A. No. 4 under Section 151 of CPC seeking a direction to the Assistant Commissioner to remove the restriction in respect of the decree schedule property for the purpose of registration of the sale deed in terms of the decree.

Perused the application and the report submitted by the Court Commissioner. The report discloses that the warrant issued to the Commissioner was returned unexecuted after making enquiry in the office of the Sub-Registrar. It is stated that the petition schedule property is a granted land originally granted by the Deputy Commissioner, Chikkamagaluru, and the non-alienation condition imposed by the Government at the time of grant has not yet expired. Hence, the property has been blocked in the Bhoomi application by the office of the Assistant Commissioner.

In view of the said restriction imposed under the relevant land grant conditions and statutory provisions, this Court cannot issue a direction to the Assistant Commissioner to remove such restriction in these execution proceedings. The competent revenue authority alone is empowered to consider the matter in accordance with law.

Accordingly, **I.A.No.4 is rejected**, reserving liberty to the

Decree Holder to approach the competent authority for appropriate relief in accordance with law.

With the above liberty, the execution petition is closed for the time being.

The Decree Holder is at liberty to reopen the execution petition after obtaining necessary orders for removal of the restriction from the competent authority, in accordance with law.

Date : 07-03-2026

(PRAKASH.P.M.)

SENIOR CIVIL JUDGE AND JMFC, MUDIGERE

Mudigere,CHIKKAMAGALURU

Dictated on :

Transcribed on :

checked on :

Signed on :

(PRAKASH.P.M.)

{JUDGE_DESIGNATION_NAME}

Mudigere,CHIKKAMAGALURU