

KACM410004762024



Presented on : 25-11-2024
Registered on : 25-11-2024
Decided on : 07-03-2026
Duration : 1 years, 3 months, 12 days

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

EX/15/2024

Exhibit No.:

Decree Holder:
Shahab Ahmed
Age: 45
Occupation :
Address: B. Kanamburu Village and Post, Balehonnuru hobli,
Chikkamagaluru Taluk.

VERSUS

Judgement Debtor:
Samar Jaha
Age: 43
Occupation :
Address: Halike Village and Halike Post, Banakal Hobli, Mudigere Taluk.

**2:Asgar Ali Khan
Age: 57
Occupation :
Halike Village and Halike Post
Banakal Hobli
Mudigere Taluk.**

3:Abraz Khan

Age: 20
Occupation :
Halike Village and Halike Post
Banakal Hobli
Mudigere Taluk.

4: Afreen
Age: 24
Occupation :
Halike Village and Halike Post
Banakal Hobli
Mudigere Taluk

Advocate for Decree Holder: D. SIDDAIAH
Advocate for Judgement Debtor: appearing for Samar Jaha: Advocate ,
,
appearing for 2,
3,
4 respectively.

Claim :

JUDGMENT
(Delivered on 07-03-2026)

ORDER

Heard on I.A.No.1. For orders.

Sd/-

Senior Civil Judge and JMFC.,
Muidgere.

**ORDER ON I.A.NO.1 FILED BY
THE D.HR U/SEC. 151 OF CPC.**

The present execution petition is filed by the Decree Holder to execute the exparte judgment passed by this Court in **O.S. No. 25/2021**, wherein the defendants were directed to execute the sale deed in favour of the Decree Holder within three months on receipt of a balance sale consideration of Rs.20,000/-.

Despite service of notice, the Judgment Debtors have remained absent.

The Decree Holder has filed **I.A. No. 1 under Section 151 of CPC** seeking a direction to the PDO, Bettagere Village Panchayath, to register **E-Khatha (11A or 11B)** in respect of property bearing Assessment No. 254 and No. 1509004022100400262 measuring 60 x 40 feet house site situated at Bettagere Village.

At this stage, the execution petition is filed for enforcement of the judgment directing execution of a sale deed. The relief sought in the present application pertains to issuance of direction to the Panchayath authority for registration of E-Khatha, which is

an administrative act to be considered by the competent authority in accordance with the relevant rules and procedure. Such a direction cannot be issued by this Court in the present execution proceedings.

Accordingly, **I.A. No.1 is rejected**, reserving liberty to the Decree Holder to approach the competent authority in accordance with law after obtaining the sale deed through due process of execution.

Sd/-

Senior Civil Judge and JMFC.
Mudigere.

The D.HR has not produced the decree copy. Hence, D.HR is directed to produce certified copy of decree in O.S.No.25/2021.

Further, on the perusal of judgment passed by this court in O.S.No.25/2021 it is noticed that the plaintiff has been directed to pay duty and penalty on unregistered sale agreement dated 27.06.2018 and also directed to pay balance sale consideration of Rs.20,000-00.

Hence, the D.HR is directed to pay duty and penalty on unregistered sale agreement dated 27.06.2018 and also directed to pay balance sale consideration of Rs.20,000-00 as per the judgment passed in O.S.No.25/2021.

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

The Decree Holder is at liberty to reopen the execution petition after obtaining necessary orders from the authority for registration of E-Khatha.

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