

**ORDER ON REPORT SUBMITTED BY SUB
REGISTRAR DHARWAD.**

The present case the sub registrar Dharwad has submitted his report along with status for non compliance of order passed by this court.

2. In his report the Sub Register has mentioned that due to sub division made in the suit property the Bhoomi data base is not tally with the record of rights. Hence, he is unable to registration of sale deed.

3. On the other hand, the counsel for DHR filed objection to the report submitted by registering authority and contented that, the DHR got executed agreement of sale with its original owner for to the extent of 2 acres of land in the year 1981 and paid earnest money from time to time till 1987. The possession of 2 guntas land is received by decree holder and she got constructed farm house in the suit property. The owner has failed to execute sale deed in favour of DHR. Hence, she/DHR has filed O.S No.51/2003 which is came to be decreed and the RA No.95/2006 filed by the JDR is came to be dismissed on merits by Hon'ble III Addl. Senior Civil Court Dharwad on 11-01-2012. Now the DHR has took steps for execution of sale deed

through court commissioner. Since 2003 DHR spent huge hard money for litigation expenses and for sale deed. The registering authority followed old procedure for registration. Thus the DHR is put irreparable loss and hardship. Hence, prays to issuance of suitable directions for registration of sale deed against sub registrar.

4. Perused the material on record the DHR was filed OS No.51/2003 against the defendants for the relief of specific performance of which is came to be decreed in favor of plaintiffs/DHR. Further the aggrieved defendants have filed RA No.95/2006 before Hon'ble III Addl. Sr. Civil Judge, Dharwad, wherein the Hon'ble Appellate court has dismiss the R.A and upheld the judgment passed in O.S No.51/2003. At this stage there is no prohibitory order against O.S No.51/2003. The DHR has take suitable steps for execution of sale deed by appointing court commissioner. The contention of the registering authority is that there is a phodi in ROR and there is no tally with suit property. Hence, he facing trouble for execution registrar of sale deed. At this stage it is not duty of DHR to make rectification in the ROR. The suit of the DHR is came to be decreed and the registering authority are bond and duty to registrar the

sale deed furnished by the commissioner. Hence, I proceed to pass the following.....,

ORDER

The report submitted by Sub Registrar Dharwad is hereby rejected.

Further, the registering authority are hereby directed to register the sale deed furnished by the court commissioner and DHR after receipt of necessary fees.

Office to issue intimation to Sub-Register Dharwad.

For commissioner report.

Returnable by: 12-01-2024

Prl.Civil Judge & Prl.JMFC
Dharwad