

**Order on Application U/Sec. 151 of CPC**

The application is filed by the counsel for DHR to reopen the execution petition on the ground that, this petition was closed for time being by the Order of Hon'ble High Court of Karnataka on 30.11.2018. The RFA No. 3046/2011 was dismissed on 30.06.2023 and the JDR had preferred Special Leave Petition before Hon'ble Supreme Court of India. The said SLP was also dismissed on 20.11.2023 and hence, this application is filed to reopen the petition.

I have heard the argument. Perused materials on record.

This execution petition filed to execute the Order of this court in OS No. 101/2007. When this execution petition is filed, initially there was stay order by Hon'ble High Court of Karnataka. Therefore, EP is closed for time being on 30.11.2018. Now the Hon'ble High Court of Karnataka has dismissed RFA No. 3046/2011 on 30.06.2023 and Hon'ble Supreme Court of India has dismissed SLP No. 25257/2023 on 20.11.2023. In view of the proceedings pending before Hon'ble High Court of Karnataka and Hon'ble Supreme Court of India, the DHR cannot get the sale deed from this Court. Now the Order is disposed off. In order to execute decree, reopen of case is necessary. Hence, the application filed by DHR is allowed. Restore the execution petition.

Sd/-  
Pr. Sr. Civil Judge and JMFC.,  
Hubballi.