

**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL  
JUDGE, HUBBALLI**

Present:

**Sri. Yamanappa Karehanumanthappa,**  
Prl. Senior Civil Judge, Hubballi.

**Ex. No. 9/2012**

**Dated this the 23<sup>rd</sup> day of March – 2026**

**Decree Holder** : 1(a) Smt. Shobha W/o Somashekarayya  
Hosmath, Hubli and another.

**.Vs.**

**Judgment Debtors** : M/s Sarang Paints.  
Rep by its Managing Director  
Mukesh Patadia and others

**PARTIES TO IA**

**Applicant** : 1(a) Smt. Shobha W/o Somashekarayya  
Hosmath, Hubli and another.

**.Vs.**

**Opponents** : M/s Sarang Paints.  
Rep by its Managing Director  
Mukesh Patadia and others

**ORDER ON IA**

The Advocate for applicant/DHR filed application U/Sec. 151 of CPC praying this court to direct the Court Commissioner to get corrected the property tax register and get the E-swattu prepared in the name of JDR No. 1 and then execute the Sale Deed in favour of DHR's in the ends of justice of equity.

2. In support of the application, the DHR has sworn affidavit stating that, the old PID number bearing 34C/53 is allotted to the suit schedule property by the HDMC and property No. 34/603/1+2 and PID No.110901 is depicting in property tax register pertaining to suit property. The name mentioned in property tax register is still in the name of Chairman, CITB, and it is still not mutated in the name of JDR No. 1 i.e., Sarang paints Rept. By its managing Director. The said measurement of the property is also not proper and is showcasing the 533.8 sq.mtrs instead of 715.61 sq.mtrs (70X110-7700 Sq.Ft) measurement and is not in accordance with the records and also registered sale deed and also unregistered agreement of sale ad suit property which is already decreed by all the Hon'ble Courts. Hence for making the alteration of the said property tax to get the absolute sale deed, it is very necessary for the Court commissioner to be directed to get the said documents in proper manner and then execute the sale deed in DHR's Favour. Hence prayed to allow the application.

3. The Advocate for JDR No. 6 has filed objection denying the averments of application and stated that, the DHR after reopening of the instant petition, had filed an application U/Sec. 75, O. 26 R. 18 (A) of C.P.C seeking appointment of court commissioner to execute the sale deed with respect to suit property and said application was filed in the absences of JDr.No.6 and the same was allowed on

12.01.2026 and thereafter, appointed the Court commissioner to execute the sale deed with respect to suit property. The JDr.No.6 has appeared after passing the aforesaid order of appointing the Court commissioner and filed an application seeking recall of the order dated 12.01.2026 appointing the Court Commissioner and same was extended for hearing. Thereafter, the Court Commissioner was appointed for the ministerial work of executing the sale deed based on the application of the DHR as per the Decree. Hence making alteration to the alleged measurement in the records of the suit property is beyond the scope and ambit of the commission work. The court commissioner has no power or authority whatsoever to alter the alleged measurement of the suit property in its records and alteration of alleged measurement cannot be made in the present proceedings as the executing court cannot go behind the Decree. Hence, prays to dismiss the application.

4. I have heard both side. Perused materials on record. The following points arise for my consideration:

1. Whether the DHR has made out a ground to allow the application ?
2. What order?

5. My answer to the above points are as under.

**Point No.1** : **In the Affirmative.**  
**Point No.2** : **As per final order,**  
**for the following:**

## **REASONS**

6. **Point No.1:** This Court has decreed the suit in OS No. 101/2007 for specific performance of contract ordering that, defendant No.1 who is represented by defendant No. 6 executed registered Sale Deed in favour of plaintiff. As per agreement of Sale Deed dated 14.02.2006 by receiving balance sale consideration amount in respect of suit property bearing Plot No. 34 comprised in R.S.No. 603:1+2 situated at Unkal village measuring 70 X 110 formed by Hubli Dharwad Development Authority of right title interest to an extent in the land which is bounded on East by Plot No. 33, West by Plot No. 35, North by Road and South by Plot No. 27 and the above bounded property is called as the open Industrial Plot referred as suit property. On perusal of property tax register Old PID No. 34C/53 is allotted to new PID No. 110901. The measurement shown as 533.8 sq. mt. In order to execute Sale Deed, the correction of property tax details and E-swattu is necessary. Unless and until the documents are corrected, the Sale Deed cannot be executed. In subsequent event the document can be corrected, because the decree passed by this Court in the year 2011. After passing the decree there is a delay because the appeal is pending before appellate Court. The DHR not changed the boundaries of the suit property. He has changed only the measurement of the suit property and PID numbers. These correction are necessary in tax details and E-swattu. Therefore, in order to execute the Sale Deed,

the correction of documents is required. If this Court does not permit to correct the document, the purpose of the decree will be defeated. Therefore, I answer point No.1 in **Affirmative.**

7. **Point No.2:** In view of my answer to point No.1 as stated above, I proceed to pass the following;

**ORDER**

The application filed by advocate for DHR U/Sec. 151 of CPC is hereby allowed.

The Court Commissioner is permitted to correct the property tax register and get the E-swattu prepared in the name of JDR No.1 and execute Sale Deed in favour of DHR.

(Dictated to the Stenographer directly on computer, script corrected directly on computer and then pronounced by me in the Open Court on this the **23<sup>rd</sup> day of March - 2026**)

Sd/-  
**(Yamanappa Karehanumanthappa)**  
**Pri. Senior Civil Judge, Hubballi.**