

Heard Advocate for Decree-Holder on application U/o.21 Rule 35 of C.P.C. and also heard RVI and SRA Advocates. Advocate for Decree-Holder submitted that at present possession warrant need not be issued against Judgment-Debtor No.11 to 14, as they are stated to be purchasers from defendant No.1. SRA for Judgment-Debtor No.7 to 10 fairly submitted that they are ready to hand over the possession of the suit property.

Perused the materials on record. The decree passed by I Addl. Senior Civil Judge, Dharwad in O.S.No.2/2009 was put into FDP No.13/2019. The said preliminary decree and final decree were challenged before Hon'ble High Court of Karnataka by filing RFA No.100248/2020 and 100301/2019. The Hon'ble High Court of Karnataka dismissed both the appeals by order dated 24.08.2023. The same was again challenged before Hon'ble Apex Court in SLP No.23607 and 23608 of 2023, the said SLP was also dismissed by Hon'ble Apex Court on 30.10.2023. Again review petition was filed, but the same was also dismissed by Hon'ble Apex Court on 05.12.2023. So, the

preliminary decree and final decree passed by I Addl. Senior Civil Judge, Dharwad is confirmed upto Hon'ble Apex Court.

In order to execute the decree and see that Decree-Holder shall enjoy the fruits of the decree, issue possession warrant with respect to suit schedule B properties with the assistance of Commissioner of Police, Hubballi-Dharwad. Since the matter went upto Hon'ble Apex Court, the Police Commissioner, Hubballi-Dharwad is directed to give necessary protection while executing the decree.

The Bailiff while executing the decree shall not disturb the possession of Judgment-Debtor No.11 to 14 with respect to properties purchased by them from defendant No.1 i.e. suit schedule B-I properties.

Acting U/o.21 Rule 35 of C.P.C. possession warrant is issued in favour of Decree-Holder and if there is a obstruction from the Judgment-Debtor, then the said obstruction shall be removed and if there is a lock or bolt to the suit property, then the same shall be break open and Decree-Holder shall be put into possession of the suit schedule B properties.

Issue possession warrant accordingly
through special bailiff.

For returnable by 21.12.2023.

Prl. SCJ, Hubballi.