

EX 4/2017 dated 13.01.2023

The present decree dated 08.11.2016 is for the specific performance of an agreement. My learned predecessor had appointed a Court commissioner for the execution of the sale deed and the Commissioner has returned the warrant on the ground that execution of the sale deed has been made impossible on account of the fact that the Registering Authority is insisting upon a 11E sketch. It needs to be stated for the record that the Division Bench our Hon'ble High Court in *State of Karnataka Vs. Krishnegowda in Writ Appeal No.49 of 2021 disposed on 23.02.2021* has laid down the law that so long as there is sufficient identity of the property insistence on a 11E Sketch is a position that is perverse. Therefore call on 02.02.2023 for appointment of a Commissioner to see that the decree of this Court is executed.

CJ & JMFC, Hnpura