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**IN THE COURT OF CIVIL JUDGE AND J.M.F.C AT
SHIGGAON**

Present: Ashwinichandrakanth
B.Sc., LL.B.
Civil Judge and J.M.F.C.,
Shiggaon.

DATED 23rd DAY OF JULY, 2026

EXECUTION NO.15/2024

Mahadeva S/o. Basavantappa Ramanakoppa,
Age: 49 years, Occ: Mason Work,
R/o: Muttalli, Tq: Shiggaon, Dist: Haveri.

(By Sri.S.B.H., Advocate)

.....Decree-Holder:

V/s.

1. Smt.Channabasavva W/o. Bharamappa Jatar,
Age: 53 years, Occ: Household work,
R/o: Byahatti, Tq: Hubballi.
2. Smt.Neelavva W/o. Maruti Divatar,
Age: 28 years, Occ: Household work,
R/o: Byahatti, Tq: Hubballi.

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3. Joyti D/o. Bharamappa Jatar,
(After Marriage Smt.Jyoti W/o. Manjunath Olekar),
Age: 26 years, Occ: Household work,
R/o: Kinnal Village, Tq. & Dist. Koppal.

**(Sri.S.T.B./S.G.T., Advocate to Jdr.2 & 3)
(Jdr.1 is placed exparte)**

.... Judgment-Debtors:

PARTIES TO THE IA NO.III

Siddappa S/o. Yallappa Padavalli

.... Applicant/Judgment-Debtor

V/s.

Mahadeva S/o. Basavantappa Ramanakoppa

.... Opponent/Decree-Holder

ORDER ON IA.NO.III

The applicant has filed application under Order 21
Rule 97, 98 and 101 of CPC., and seeking order to

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determine their right, title or interest over the suit property.

2. In support of the application applicant has duly sworn affidavit and annexed the same along with the application and stated that, the suit is filed by the Plaintiff in OS No.140/2022 and the same is disposed on 05.01.2024. In the said judgment, the Hon'ble Court please to order that return of earnest money to the Plaintiff. Further stated that, in the said suit the Defendants namely 1) Channabasavva W/o. Baramappa Jatar 2) Smt.Neelavva W/o. Maruti Jatar and 3) Joythi D/o. Basavanthappa Jatar are directed to return the earnest money. Further submitted that the applicant has purchased 02 guntas of land in RS No.52/2B situated at Muttalli village through agreement of sale dated 10.04.2007 which belongs to

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Smt.Channavva W/o. Nagavva Jatar and Bharamappa Channappa Jatar. Further applicant stated that he had purchased 02 guntas through agreement of sale for valuable consideration of Rs.10,000/- and the said 02 guntas is bounded by East - Government Road, to West - Land of Basavva Jatar, to North - Land of Basappa Kallimani and to South - Land of Ramappa Fakkirappa Bavikatti. Further applicant stated that he is residing in the said 02 guntas of land by constructing tin shed since the year 2007. Further submitted that the applicant has obtained documents in his name from the Grama Panchayath Tadas. Further submitted that, he is paying electricity bill and etc., every year. The Gram Panchayat Tadas has allotted New No.311 of Muttalli village and also issued VPC extract. Therefore,

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applicant prays to appear as an obstructor in this application.

3. Per contra, Decree-holder filed objection stating that the contents of the application and affidavit are false. Further Decree-holder specifically denied the all contents of the affidavit. Further submitted that the applicant has no right and interest in the said property. Further submitted that the agreement of sale deed dated 10.04.2007 which is not relevant to the suit property. The applicant has no right over the suit property and illegally claiming the possession and title. Further objected that, as per the present rule of Grama panchayath every property must consists of 'E-Swattu. The 'E-Swattu' issued to the owners only. Further objected that, the applicant colluded with the panchayath authorities and created a false document.

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Further submitted that, the agreement of sale which is produced by the applicant is not related to the suit property and in the agreement of sale produced by the Plaintiff the suit property number is not mentioned. Therefore prays to dismiss this application with costs.

4. After recording the objections filed by decree holder. This court has given opportunity to the objectors to submit their say on the application. The 3rd party objector in order to prove his claim filed an affidavit in lieu of his chief-examination and examined as PW.1 then got marked Ex.P1 to P24.

5. Heard, the arguments adduced by the both counsels, in view of the material placed before me. The following points have arisen for my consideration;

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P O I N T S

1. Whether the Applicant have made sufficient grounds to allow their application under order 21 Rule 97, 98 and 101 of CPC to determining the legality and validity of executability of decree passed in O.S.No.140/2022?
2. What order ?
6. My answer to the above points are as under;

Point No.1: In Negative

Point No.2 : As per final order
for the following:

R E A S O N S

7. **Point No.1:** The present application filed by the objectors to determine their title, right or interest over the suit property and the decree is not executable against the them. The applicant stating that he had purchased 02 guntas of property in RS No.52/2B

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through agreement of sale deed from Smt.Channavva W/o. Nagappa Jatar and Baramappa Channappa Jatar on 10.04.2007. Further stated that, since 2007 he is in possession of said 02 guntas out of 03 acres 02 guntas in RS No.52/2B by constructing shed. Further applicant stated that, Grama Panchayath Tadas has allotted new number to his property i.e., 311.

8. Per contra, Decree-holder objected this application by stating that the application is false and fictitious. Further objected that the objector does not have any right over the suit property based on the agreement of sale deed dated 10.04.2007. Further objected that as per the present panchayath rules every property will consists of 'E-Swattu'. However, present applicant has not furnished any 'E-Swattu' in his name. Further objected that, the survey number of

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suit property is not mentioned in the agreement of sale.

In order to prove the claim of the objector he himself examined as PW.1 and produced 24 documents same is got marked as Ex.P1 to P24. On going through Ex.P1 agreement of sale dated 10.04.2007 no survey number is mentioned. Further on perusal of Ex.P24 agreement of sale dated 23.11.2000 survey number is mentioned as 52/2B and the said agreement was executed between Ratnavva Yallappa Padalli and Baramappa Channabasappa Jatar. The applicant contention is that they had purchased 02 guntas of land from Smt.Channavva Nagappa jatar and Baramappa Channabasappa Jatar. However, on going through Ex.P1 no survey number is mentioned. Such being case objector has not produced any documents to show that how he had right over the suit property. It is pertinent

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to note here that is petition filed by the Decree-holder for recovery of decree amount. In subsequent events the Decree-holder has filed application for issuance of sale warrant against Judgment-debtor immovable property bearing RS No.57/13 measuring 13 guntas and also furnished the RTC extracts of said RS No.57/13 which stands in the name of Judgment-debtor No.2. Objector claiming that the said suit property is under the ownership of himself. However, in order to prove the same and to show the right or interest over the suit property applicant has not produced any cogent evidence. Therefore, this Court is of the considered opinion that the objectors has failed to show sufficient reasons or prima-facie reasons to allow the application. Hence, for the aforesaid reasons, this court proceeds to pass the following;

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ORDER

IA No.III filed by the
Objectors/Applicants under Order 21
Rule 97, 98 and 101 of CPC., is hereby
dismissed with cost of Rs.500/-.

(Dictated to the stenographer, directly typed by her,
corrected, and then pronounced by me in the open court on this
the **23rd day of July 2026**).

Sd/-
(ASHWINICHANDRAKANTH)
Civil Judge & JMFC,
Shiggaon.