

IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
SEDAM

PRESENT:

Sri SAGAR GURUGOUDA PATIL
B.A., LL.B(Spl.)
Senior Civil Judge & JMFC, Sedam

Dated: 10.03.2026.

E.P. No.18/2024

Decree holder/s :

1. Smt.Waheda Fatima W/ Syed Munawar Ali, Age: 45 years, Occ: Agriculture, R/o House of Gulam Mohammad H.No.5-467, Noor Bagh Darga Road Kalaburagi.
2. Rahat Mateen W/o Meer Afzal Alikhan, Age: 37 years, Occ: Agriculture, R/o 23-6-33 Hari Bowli, Shalibanda Hyderabad (T.S.)
3. Farhat Yasmeen W/o Khadeer Ahamad Khan, Age: 55 years, Occ: Agriculture, R/o 23-6-33 Hari Bowli Shalibanda Hyderabad (T.S.)
4. Wajida Fatima W/o Syed Azmoddin Hussaini, Age: 50 years, Occ: Agriculture, R/o House of Gulam Mohammad, H.NO.5-467, Noor Bagh, Darga Road, Kalaburagi.

(By Smt/Sri M.A.J. Advocate)

VS

Judgment Debtors/s :

1. Mirza Muzaffar Baig S/o Mirza Anwar Baigh, Age: 42 years, Occ: Agriculture, R/o

H.No.8-1-40 Block B Samata Toli Chowki Colony, Hyderabad (T.S.).

2. Mirza Muddassir Baig S/o Mirza Anwar Baig, Age: 41 years, Occ: Agriculture, R/o Maharaja Hotel, Near Petrol Bunk, Sedam, Tq: Sedam, Dist: Kalaburagi.
3. Azmat Mubeen D/o Mirza Anwar Baig, Age: 35 years, Occ: Agriculture, R/o H.No.2-6-77 Choti Base Sedam, Tq: Sedam, dist: Kalaburagi.
4. Fatima Musrat Tabassum W/o Late Mubassirbaig, Age: 45 years, Occ: Household, R/o H.No.2-6-77, Choti Base, Sedam, Tq: Sedam.
5. Mirza Sohail Baig S/o Late Mubassirbaigh, Age: 21 years, Occ: Household, R/o H.No.2-6-77, Choti Base, Sedam, Tq: Sedam.
6. Mirza Anwar Baig S/o Late Mubassir Baig, Age: 19 years, Occ: Household, R/o H.No.2-6-77, Choti Base, Sedam, Tq: Sedam.
7. Mirza Akram Baig S/o Late Mubassir Baig, Age: 16 years, Occ: Agriculture, R/o H.No.2-6-77, Choti Base, Sedam, Tq: Sedam through next friend natural mother-Fatima Musrat Tabassum W/o Late Mubassir Baigh, Age: 45 years, Occ: Household, R/o H.No.2-6-77, Choti Base, Sedam, Tq: Sedam.

(By Smt/Sri C.K.K. Advocate)

RANK IN IA 4

Smt. Waheeda Fatima : Applicant/s/Dhr/s

VS

Mirza Muzaffar Baig & Ors. : Opponent/s/Jdr/s

i.	Provision under which the application is filed	U/O 21 Rule 97 of CPC
ii	Relief sought for	Petition to execute compromise decree in OS No.77/2018
lii	The date on which the application is filed	07-11-2025
iv	Number of application	One
v	The date on which the objections are filed by different opponents	21-11-2025
vi	The date on which the orders were passed on the said application	10-03-2026

ORDERS ON IA 4
Under Order 21 rule 97 of CPC

The decree holder No.1 has filed this application under Order 21 Rule 97 of CPC and sought to remove the obstructions caused by the judgment debtors in executing the decree.

2) The Dhr No.2 has sworn to an affidavit in support of IA and stated that the decree holders/plaintiffs had filed suit for partition and separate possession in OS No.77/2018

on the file of this court the said matter was settled between the parties and accordingly compromise petition was filed and compromise decree was passed. As per the compromise decree decree holder No.1 is entitled to get 20 plots in suit land in Sy.No.611/6 as per the map No.1 annexed to the decree and 2 plots in the developed layout in suit land in Sy.No.625/1/A and Rs.3 Lakhs from defendants No.2 and 3. In case of failure by the judgment debtors No.1 to 3 the decree holder No.1 is entitled to get 02 acres of land with decree holder No.2 and Jdr No.4 to 6 as per the map No.2 annexed to the compromise decree. Further, in the event of non developing th suit land in Sy.No.625/1/A1 into layout/plots within 3 years the decree holders No.1 and 2 and judgment debtor No.4 are entitled for 01 acres of land towards East as shown in the map No.3. The judgment debtors No.1 to 3 were claiming that they engaged an engineer to develop the above lands but till today the said lands are not developed. Therefore, the decree holders No.1 and 2 and judgment debtors No.4 to 6 entitled to recover their shares in the above said lands as mentioned in paras No.8 and 9 of the compromise decree.

3) She has further stated that the judgment debtors No.1 to 3 are obstructing the decree holders No.1 and 2 and judgment debtors No.4 to 6 to execute the decree. Hence, prays to allow the I.A.

4) The judgment debtors have filed objections to I.A. and contended that this application is not maintainable either in law or on facts. The judgment debtors had already filed application before this court U/Sec.151 of CPC for extension of 10 months of time for development work in the suit lands and the application was partly allowed by this court and the judgment debtors challenged the said order before the Hon'ble High Court and the Hon'ble High Court passed orders on 10.04.2025 extending 10 months time for development work. The decree holders have not challenged the order passed by the Hon'ble High Court. Therefore, the same has attained finality. Hence, prays to dismiss the I.A.

5) On the basis of the above facts the following points arise for my consideration:

- 1) Whether the decree holder No.1 has made out grounds to allow the I.A.?
- 2) What order?
- 6) Perused the records. Heard arguments.
- 7) My answer to the above points are as under:
 - 1) IN THE NEGATIVE
 - 2) AS PER THE FINAL ORDER

for the following:

REASONS

8) **POINT No.1**: The decree holders have filed this petition to execute the compromise decree passed in OS No.77/2018.

9) The compromise decree shows that 20 plots each were allotted in Sy.No.611/6 to decree holders and two plots each were allotted in Sy.No.625/1/A1 to decree holders 1, 3 and 4. In the compromise decree decree holder and judgment debtors agreed that in case the judgment debtors fails to develop the land in Sy.No.611/6 into layout/plots within three years the decree holders are entitled for land measuring 2 acres each in land bearing Sy.No.611/6 and in case the judgment debtors fails to develop land in Sy.No.625/1/A1 within three years the decree holders will be jointly entitled for land measuring 1 acre in the said survey number. As far as above terms and conditions are concerned there is no dispute.

10) During pendency of this petition the judgment debtors had filed IA U/Sec.151 of CPC and sought to extend 10 months time for development and accordingly this court partly allowed the I.A. by imposing certain conditions. Aggrieved by the said order the judgment debtors challenged the same before the Hon'ble High Court of Karnataka, Kalaburagi Bench in W.P.No.201289/2025 (GM CPC),

wherein the Hon'ble High Court by its order dtd: 29.05.2025 confirmed the order passed by this court except the direction to the judgment debtors to pay an amount of Rs.30 Lakhs each to the decree holders and hand loan without interest till handling over possession.

11) Thereafter, decree holder No.3 and Jdrs No.3 and 8 filed separate memos and stated that the decree holders already delivered possession of the plots of their shares as per the compromise decree. Thereafter, the Jdrs No.2 and 3, 7 to 10 have filed IA U/Sec. 151 of CPC and sought to issue warrant of delivery of possession to hand over possession of the plots to the decree holders as per the compromise petition in OS No.77/2018. The judgment debtor No.1 has filed an affidavit in support of the IA and stated that as per the orders of this court he completed the developmental work in Sy.No.611/6. He is ready to hand over possession of the plots to the decree holders as per the compromise petition and the map annexed to the compromise petition.

12) The above developments which have taken place during pendency of this petition go to show that the judgment debtors are not obstructing the decree holders to take possession of their plots as per the compromise decree. In fact they are only seeking this court to issue delivery warrant of possession to hand over possession of the plots to the

decree holders as per their shares allotted in the compromise petition in OS No.77/2018 and the map annexed to the compromise petition. It is pertinent to note that when it is clear on the basis of the available records itself that the judgment debtors are not obstructing the decree holders in executing the decree the question of conducting enquiry on the allegations made in the I.A. does not arise. Therefore, this court find it just and proper to dispose off this IA without conducting any enquiry to avoid unnecessary delay in disposal of the petition and to ensure fair and speedy justice.

13) For the above reasons the contention of the decree holders that the judgment debtors are obstructing to execute the decree cannot be accepted. Hence, I answer point No.1 in the Negative.

14) **POINT No.2**: For the foregoing reasons, the following:

ORDER

The application filed by the decree holder No.1 under Order 21 Rule 97 of CPC is hereby dismissed.

(Dictated to the Stenographer directly on computer, the same revised, corrected and pronounced in the open court on this the **10th day of March 2026**)

(SAGAR GURUGOUDA PATIL)
Senior Civil Judge & JMFC, Sedam.