

KAMS300006862021



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL JUDGE
AND J.M.F.C AT HUNSUR**

Present: Smt.Anitha, B.A. (Law) L.L.B.,
Prl.Senior Civil Judge & JMFC.,
Hunsur.

Dated this the 07th day of January, 2026.

Ex No.26/2021

Decree Holder: Nagegowda, S/o Late Channegowda,
Aged about 57 years,
R/at New Penjahalli village,
Hanagudu Hobli, Hunsur Taluk.

-Vs-

Judgment Debtors: 1. Devappa (Rani Devappa),
S/o Late Thammaiah,
Aged about 66 years,
2. Smt.Parvathi, W/o Devappa,
Aged about 61 years,
3. Gowarmma, D/o Devappa,
Aged about 36 years,
4. Ambika, D/o Devappa,
Aged about 31 years,
5. Mallanna, S/o Devappa,
Aged about 26 years,
6. Shruthi, D/o Devappa,
Aged about 23 years,
All are R/at B.B.C.Colony,
Hanagudu Hobli, Hunsur Taluk.

1.	Provision under which the application is filed	:	Under Section 151 of CPC
2.	Relief sought for	:	To direct the Tahasildar Hunsur Taluk to effect Durasth and to prepare sketch of the decree schedule property
3.	The date on which the application is filed	:	06.12.2025
4.	Number of the application	:	IA No.IV
5.	The date on which the objection is filed by opponent	:	Nil
6.	The date on which the orders passed on the said application	:	07.01.2026

ORDERS PASSED ON IA NO.IV

When the case was posted for steps finally as last chance, the learned counsel for Decree-Holder has filed IA No.IV under Section 151 of CPC to direct the Tahasildar Hunsur Taluk to effect Durasth and to prepare sketch of the decree schedule property.

2. The application is supported with the affidavit of the Decree-Holder wherein he has stated that, he filed suit against the defendants for specific performance in respect of the suit schedule property in OS No.4/2020 and on 21.11.2020 the suit came to be decreed. In spite of the same the defendants not come forward to execute the registered sale deed as per the decree which made the decree-holder to file

this execution petition. The court commissioner has appointed who submitted the report that the decree schedule property is not Durasth and it is not possible to execute the registered sale deed without Dursath and if the property is not Durasth the very purpose of decree becomes a paper decree which will cause great loss to the DHR. Hence, it is just and necessary to direct the Tahasildar to effect Durasth in respect of the decree schedule property. Hence, prayed to allow the application.

3. It is pertinent to note that, in this case upon service of cause notice judgment-debtors not appeared before the court and remained absent. As such there is no objection filed by the judgment-debtors to this application.

4. Thereafter, heard arguments addressed by learned counsel for the decree-holder and perused the case papers.

5. This execution petition is arisen out of the decree passed by this court in OS No.4/2020 dated 21.11.2020. Along with the execution petition the decree-holder has filed the certified copy of the decree passed by this court. As per the said decree the decree-holder had filed suit for specific performance of sale agreement before this court which came to be decreed and as per the decree the judgment-debtors have been directed to execute the registered sale deed in terms of the sale agreement dated 08.05.2019 by receiving balance sale consideration of Rs.1,47,500/- within three months from the date of judgment failing which the DHR is at liberty to get

execute the registered sale deed through the agency of this court.

6. As per the records after filing of this execution petition the cause notice was served upon the judgment-debtors and they have not chosen to appear before the court and remained absent. As such decree-holder filed IA No.II under Order 26 Rule 13 R/w Section 151 of CPC and the said application came to be allowed and Sri.A.H.K, Advocate from Hunsur Bar Association has been appointed as Court Commissioner. As per the records commissioner warrant has been issued on 16.07.2025. Further, on 06.09.2025 Sri.A.H.K. Court Commissioner filed memo returning commissioner warrant for want of Durasth. It shows that, for want of survey sketch commissioner warrant not yet executed.

7. Now by way of filing this application decree-holder sought an order from this court to direct the Tahasildar, Hunsur to effect Dursath and to prepare survey sketch of the decree schedule property. It is very important to note that, the said work is to be done by the decree-holder himself. Preparation of 11-E sketch for the purpose of registration of a document comes within the exclusive jurisdiction of the concerned authorities and civil court cannot interfere in the said act of the concerned authorities. The act sought to be done comes within the exclusive domain of revenue authorities and this court cannot interfere in it. Therefore, this court

comes to conclusion that, the decree-holder has not made out any grounds to grant the relief claimed in IA No.IV. Hence, this court proceeds to pass the following:

ORDER

IA No.IV filed by the decree-holder under Section 151 of CPC is hereby rejected.

(Dictated to the Stenographer directly on the computer, then corrected and pronounced by me in the open court on this the 07th day of January, 2026.)

(Anitha)

Prl.Senior Civil Judge and JMFC,
Hunsur.