

KAMS410009392021



**IN THE COURT OF PRINCIPAL CIVIL JUDGE & JMFC.,  
KRISHNARAJANAGAR**

**PRESENT**

**Sri. Chandan S, B.Com., LL.B  
Prl. Civil Judge & JMFC, Krishnarajanagara.**

**DATED 06<sup>TH</sup> DAY OF APRIL 2026**

**EX/36/2021**

**Decree Holder: Syed Munawar Pasha**

**-V/s-**

**Judgement Debtor: Syed Latheef**

**I.A.**

**Applicant : Syed Anwar**

**--- Objector**

**-V/s-**

**Opponents : Sued Munawar Pasha**

**--- DHR**

Provision under which the application is filed	U/o 21 R-26 R/w 151 of C.P.C.
Relief sought for	To stay the further proceedings
The date on which the application is filed	02.04.2026
Date on which the objection is filed by the different opponent	02.04.2026
Date on which the order is passed	06.04.2026

**ORDER ON I.A.2 FILED U/O 21 R-26 R/W 151 OF C.P.C.**

This application is advanced and filed before this court by the proposed objector/applicant praying and appealing to stay the further proceedings of the petition for a reasonable time so as to present and file the writ petition before the Hon'ble High Court of Karnataka against the order passed by this court on application filed U/o 26 R-9 of C.P.C. and order 47 R-1 R/w Sec.151 of C.P.C.

**2.** The pleadings in terse and epitomized contents briefly and in nutshell that, the holder of the decree has presented this petition for the purpose of implementation, ingest, prosecute and to execute the decree passed in O.S. No.191/1999. It is said that, he had obtain the petition schedule property through the instrument of unregistered Hibanama dated 10.06.1998 thereby pursuant to the said deed of Hibanama he has been in settled possession of the said property. Therefore according to the applicant/objector, the decree holder beyond the notice and consent of the obstructor/applicant had obtained the judgment and decree, therefore he had filed the detail 3<sup>rd</sup> party application against the decree holder on 05.03.2024, the said application filed by the objector was dismissed by this court on 02.07.2025. Further being aggrieved and dissented the said order passed by this court, he had preferred the writ petition before the Hon'ble High Court of Karnataka in writ petition No.25323/2025, the said writ petition was pending for adjudication. The Hon'ble High Court of Karnataka in its interim order dated 05.12.2025 and in

writ petition No.25175/2025, it has observed that, In case if it is found that the decree holder is claiming right in the property of the petition in excess of what shown in decree, then there can be necessary order for restoration of possession. Based on the said order, it is just and necessary to demarcate the property before executing the decree. Therefore he filed an application for appointment of the Commissioner which was also came to be dismissed by this court.

**3.** Therefore, in order to prefer and submit writ petition before the Hon'ble High Court of Karnataka, he seeks, pray and humbly requests this court of stay further proceedings of the petition until he obtains the order of interim stay from the Hon'ble High Court of Karnataka. Hence, prays for allowing the application.

**4.** Conversely, contrary and oppositely on the other side, impugning, challenging, opposing, protesting, decorously, recondite, portentous and seriously contesting the said application, he set up his defence in the form of his statement of objections which would further enunciate, emanate, reveal and discloses that, the application which is laid and instituted before this court by the applicant is false, frivolous, vexatious, anomalous, vague, haphazard and it is not maintainable either on facts or on law. Therefore, it is liable to be dismissed in limine. The opponent/decree holder would further contemplate, hermetically, tautly, perfervid, contemptuous and specifically held

that, the averments and contents stipulated and fortified in the affidavit are created false, untrue and they are faraway from the truth. Therefore, the said application is false, frivolous, vexatious, malicious and untenable. Therefore, it is as per the statement of objections, the prime motive beyond the installation and presentation of the application is only to see and ensure the fruits and benefits of the petition cannot be accomplished, achieved and extended to the holder of the decree in whose favour the decree is passed.

**5.** Further it is said that, the Hon'ble High Court of Karnataka has not stayed the further proceedings and enforcement of the decree passed by this court and the applicant already filed 3 consecutive and successive applications, one after the another and he is continuously, perfervid, shrewd and making hectic efforts and attempts to extend, prolong and linger the process of the court and to cause delay in the further proceedings of the petition. Wherefore, it is adverted and predicated in the said statement of objections that, the alleged Hibanama has been created craftily only for the purpose of cause, hindrance, disruption, hardship, serious and decorous impediment, prejudice and irreparable loss and injuries to the holder of the decree. Therefore, according to the statement of objections in respect of the factual matrix, the application do not sustain and it is liable to be dismissed with cost.

6. Thereafter the matter has been finally heard. The counsels representing the rival and conflicting litigants and parties presented and submitted their decorous, candid, contemptuous and argued strenuously and hermetically.

7. The following points arise for this court's consideration.

**1) Whether applicant has made out sufficient grounds for allowing the present application?**

**2) What Order?**

8. This court findings on the above points for consideration are as under:

**Point No.1: In the Negative**

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

### **REASONS**

9. **POINT NO.1:**

Further upon vigilant careful and heedful consideration leery apprehension and bestowing our thoughtful appreciation into the material contradiction, variations and differences as described and adverted in the statement of application and objection set out in the form of defence. Further on alacrity and vigilant perusal and examination of the said documentation records and materials which are available before this court, notably it is just and pertinent to observe that, the application of the applicant/proposed objector which was laid and advanced before

this court invoking the provision contemplated U/o 21 R-97 and 101 R/w Sec.151 of C.P.C. has already come to be dismissed by this court by virtue of the order passed on 02.07.2025.

**10.** Thereafter, the very applicant although the said application was dismissed by this court, has presented an application enshrining and contemplating U/o 21 R-26 of C.P.C. After contest the said application disposed off directing the objector granting 2 weeks of time to produce copy of the stay order and it is also observed that, in the event if no such said order is obtained or produced before this court within the specified given and stipulated time, this court will proceed further with the proceedings of the execution petition in accordance with law.

**11.** However, after the lapse and completion of the said time, on account of the failure of the said applicant to furnish and supply the proper copy of stay, this court had issued the warrant of the delivery against the JDR and in favour of the decree holder. During the time again the very same proposed objector and applicant has come with the application U/o 26 R-9 of C.P.C. and upon objections, the said application is also come to be dismissed being sans merit. Further following the said dismissal, the applicant has moved an application U/o 47 R-1 of C.P.C., the said petition for review the order has also been finally heard and dismissed. At this instance scenario, stake, position and juncture, the present application being advanced before this

court. Thereby it can be safely inferred and presumed that, although the very application for coming on record to contest the petition U/o 21 R-97 of C.P.C. being dismissed.

**12.** Even after the applicant the proposed objector who is not having any legal authorization, authority, sanction and permission to prosecute the petition, although his application to come on record being already dismissed, he continued his hectic, perfervid, contemptuous and portentous efforts on the tract and he kept on presenting, moving, posting and preferring one or the another application, although he has not been recognized by the court and he is completely being very stranger and alien to the petition or in respect of the property curved thereunder. Further since the very objector application being already addressed, adjudicated and finally decided negatively, passively and adversely, the applicant being quit alien, unknown, unfazed and stranger o the petition, certainly he is estoped, prevented and prohibited from participating and indulging in the proceedings of the petition anymore. However, he is continued to present application regularly on the tract for one or the other pretexts, reasons, context and grounds.

**13.** Therefore, if such applications are permitted to be filed and decided always one after another, again and again, it will certainly a misuse and abuse of the process of the law and the decree holder who has been obtained the decree will be encountered and

undergo serious disruption, prejudice and hardship, impediment and serious decorous and frantic precarious state which cannot be compensated adequately and sufficiently. Therefore such applications has to be dealt pedantically and cannot be entertained anymore. Therefore, these kinds of applications not only liable for dismissal but simultaneously they shall be considered the pedantically, grim, stern, frantic, inexorable and seriously. Therefore, this court in its thoughtful, vigilant and considerable opinion and view that, the application not only liable to be dismissed, but it has to be saddled with heavy cost. Therefore, for all these reasons, regulation, discussion, deliberation, articulations and observations made supra, the application is scrupulously suffering from the infirmities, loopholes, flaws and it is filed and appended only to see and ensure with an oblique intensity, motive, purport and object to extend, dodge, expand, linger and also propel the proceedings of the execution petition. Hence this court inclined to answer the **point No.1 in the Negative.**

**14. POINT NO.2:**

In view of the above discussions and the reasons mentioned therein this court proceeds to pass the following:-

**ORDER**

The application filed by the objector U/o 21 R-26 R/w Sec.151 of CPC is hereby dismissed imposing cost of Rs.3,000/-.

It is further observed that, the applicant is prevented from filing any new application without complying the cost.

[Dictated to the Steno, transcribed by her. Corrected and then pronounced by me in the Open Court on this the 06<sup>th</sup> day of April 2026]

**(Chandan.S)**  
**Prl. Civil Judge & JMFC.,**  
**K.R.Nagar.**