

Ex.16/2022

ORDER

The I.A. dated 07.01.2023 is filed by the decree holders under Section 151 CPC for issuing delivery warrant in respect of their share of properties as per the final decree for partition through Amin with the assistance of A.D.L.R., Nanjangud.

2. Judgment debtor No.3 filed statement of objections.

3. Heard.

4. The decree holders are seeking delivery of their share of properties as per the final decree passed in F.D.P.No.12/2020. Contention of the judgment debtor No.3 is that, R.A.115/2022 filed challenging the judgment and decree is pending before the Hon'ble VI Addl. District and Sessions Judge, Mysuru. Apart from that, R.S.A. is preferred before the Hon'ble High Court of Karnataka against the judgment and decree passed in R.A.335/2020 by the Hon'ble Prl. District and Sessions Judge, Mysuru. Therefore, according to the judgment debtor No.3 property cannot be delivered to the decree holders.

5. In this case either of the parties to the proceedings has not submitted that there is stay on the present proceedings. Such being the case, when there is already final decree engrossed on stamp paper there is no impediment for the court in issuing the delivery warrant. Hence, the following:

ORDER

I.A. dated 07.01.2023 filed under Section 151 C.P.C. by the decree holders is allowed.

Issue delivery warrant in respect of the petition schedule properties through the Court Amin with the assistance of A.D.L.R., Nanjangud.

Senior Civil Judge, Nanjangud.
07.12.2023