

**ORDER**

The present execution petition is filed to issue direction to hand over the possession of the share of the property of the decree holders passed in FDP 9/2011 and F.D.P.13/2019, otherwise take action against the judgment debtors for violation of the court decree. After institution of the matter cause notice was duly served to the judgment debtors and judgment debtors have not filed objections, thereby the decree holder filed chief-examination affidavit, but not produced any document.

Heard the learned counsel for the decree holders. The present petition is filed to issue delivery warrant of the share of the property of the decree holders passed in F.D.P.9/2011 and FDP 13/2019, because 1/3rd share was ordered to be given to the decree holders, but the decree holders did not get the said share even after order passed in the said F.D.P. The decree holders though not marked, but produced certified copies of order passed in F.D.P.9/2011 and F.D.P.13/2019. On perusal of it shows that O.S.19/2003 was filed for partition and separate possession and preliminary decree was passed. The final decree proceedings confirms the consideration of the claim of the decree holders to get 1/3rd share in the schedule property. The contention of the decree holders

that inspite of passing of final decree the judgment debtors have not allowed the decree holders to get the possession of the schedule property. The judgment debtors have also not opposed the said petition. Suppose the said allegation is not true they would have come to the court to nullify the contention. The decree in the suit as well as order in final decree is undisputed fact. Suppose the decree holders took possession of the property, they would not come to the court. Therefore, it is proper to pass order to hand over or deliver the possession of the share of decree holders, otherwise the decree holders can take further steps to get the said share. Hence, the following:

**ORDER**

Issue delivery warrant of the property mentioned in the petition, if P.F.paid.

Senior C.J. & JMFC.,  
Nanjangud.

07.03.2026