

**23.02.2026:**

DHr by RSH  
JDr.1(a to c), 2 to 4 by DGP

Case called out.

Decree Holder No.2-Maheshwar Kalgutkar present.

Sri. RSH(G) Advocate for decree holders present.

On behalf judgment debtor No.1-Tahasildar, Karwar present.

Judgment debtor No.2 absent.

Judgment debtor No.3 present.

Judgment debtor No.1(b) present.

Judgment debtor No.4 absent.

Learned DGP appearing for all the judgment debtors present.

Sri. VAT Advocate for proposed judgment debtor No.5-Commissioner, CMC, Karwar files memo stating that the Commissioner, CMC, Karwar who is proposed judgment debtor No.5 and as per the Order of the Deputy Commissioner, U.K., Karwar who is the Administrator for CMC, Karwar, the Commissioner, CMC, Karwar is ready to undertake the liability pertaining to the decretal amount and therefore, he may be permitted to be impleaded as judgment debtor No.5 in this case.

I have heard the arguments on both sides on IA No.10.

Perused the IA and entire records of the case.

Now, the only point that arises for Court's consideration is:

***“Are there any grounds to implead the applicant-Commissioner, CMC, Karwar in this case?”***

My answer to the above point is in the **“Affirmative”** for the following:

REASONS

IA No.10 is an interlocutory application filed by the Commissioner, CMC, Karwar for impleadment as judgment debtor No.5 in this case.

The above application is accompanied by affidavit sworn to by the Commissioner, CMC, Karwar.

The above application is opposed by the decree holders by filing objections stating that it is only in the event the Commissioner, CMC, Karwar undertakes liability under the EP, then only Commissioner, CMC, Karwar could be impleaded.

On careful perusal of entire materials on record, it comes to seen that the decree holders have sued out execution of a money decree passed by this Court in O.S No.34/2013 directing the judgment debtors herein to pay a sum of Rs.12,00,000/- with interest at the rate of 6% per annum from the date of suit it realization.

It is a matter of record that a decree passed by this Court has attained finality.

This Court vide Order dated 13.02.2025 rejected the similar kind of application filed by the judgment debtor No.3 under Order 1 Rule 10 CPC for impleadment of Commissioner, CMC, Karwar solely on

the ground that the Commissioner, CMC, Karwar was not a party to the suit.

It is also to be noted that the very judgment debtor No.3 has preferred Writ Petition before the Hon'ble High Court of Karnataka, Dharwad Bench in W.P. No.106144/2025(GM-CPC) challenging the correctness of the order passed by this Court rejecting the earlier application.

The Hon'ble High Court of Karnataka vide Order dated 19.11.2025 dismissed the Writ Petition and thus, the order passed by this Court earlier is confirmed.

Matter does not rest there.

Now, the Commissioner, CMC, Karwar has come up with the similar application under Order 1 Rule 10 CPC for impleadment on the ground that he would undertake the liability under the decree.

A separate memo filed by the Commissioner, CMC, Karwar makes it clear that the Commissioner has undertaken the liability in view of the order passed by the Deputy Commissioner, U.K., Karwar being the Administrator for the Municipality.

The Court is conscious of the legal position that the executing Court cannot go beyond or behind the decree of the execution.

However, in view of the specific undertaken given by the Commissioner, CMC, Karwar and also in view of the changed circumstances and developments that are taken place in the matter and also having regard to the

objections filed and the submissions made by the learned counsel for the decree holders in the similar lines and with a view to facilitate the settlement of EP claim by the Municipality within whose jurisdiction the property came to be encroached is situated, this Court in the peculiar facts and circumstances of the case, is inclined to permit the impleadment of Commissioner, CMC, Karwar in this case.

Hence, in view of all these, the present application-IA No.10 deserves to be allowed. Hence, I answer the point for consideration in the "**Affirmative**" and make the following:

**ORDER**

IA No.10 filed by the applicant-proposed judgment debtor No.5 namely the Commissioner, CMC, Karwar under Order 1 Rule 10(2) read with Section 151 CPC is **allowed**.

Resultantly, the Commissioner, CMC, Karwar is ordered to be impleaded in this execution case as judgment debtor No.5.

Decree holders to amend the cause title of the execution petition to the above effect.

It is made clear that the parties to this execution petition are free to have negotiations regarding settlement in connection with the upcoming Lok Adalat to be held on 14.03.2026.

For amendment of execution petition and for furnishing the amended copy of execution petition by 02.03.2026.

**Sd/-**  
**Addl. Senior Civil Judge & JMFC,**  
**Karwar.**