



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CIVIL REVISION PETITION NO.613 OF 2024 (EX)

BETWEEN:

PRAJAKTA DESHPANDE,
AGED ABOUT 44 YEARS,
D/O PRADEEP SHRIPAD DESHPANDE,
RESIDING AT A/2 GROUND FLOOR,
NATIONAL INDIAN BLOCKS BUILDING,
MALVIYA ROAD, VILEPARLE (EAST),
MUMBAI - 400 057.

...PETITIONER

(BY SRI ABHIRUP PAUL BANGARA, ADVOCATE)

AND:

SUNIL SUBBRAMANIYAM
ALIAS AKA SUNIL V. PATHY
AGED ABOUT 45 YEARS,
S/O LATE V.S. IYER AND SHANTA PATHY,
RESIDING AT VERA 105,
SJR VERITY APARTMENTS,
MA COLLEGE ROAD, KASAVANAHALLI,
BENGALURU - 560 035.

ALSO AT
M/S.ZEBRA TECHNOLOGIES CORPORATION,
C/O SYMBOL TECHNOLOGIES INDIA PVT. LTD.,
3B, 1ST FLOOR, SALES ROOM,
RMZ ECOSPACE, SARJAPUR,
OUTER RING ROAD, VARTHUR HOBLI,
DEVARABISANAHALLI, BENGALURU - 560 013.

Digitally
signed by
MALATESH
K C
Location:
HIGH
COURT OF
KARNATAKA



ALSO AT

ZEBRA REFLEXIS INDIA,
MAGARPATTA CITY, HADAPSAR
CYBERCITY TOWER - 5, WING A
PUNE - 411 028.

...RESPONDENT

(BY SRI. ANUBHA SRIVASTAVA, ADVOCATE)

THIS CRP IS FILED UNDER SECTION 115 OF CPC.,
AGAINST THE ORDER DATED 13.03.2024 PASSED IN EX
NO.31/2023 ON THE FILE OF PRL. SENIOR CIVIL JUDGE,
BENGALURU RURAL DISTRICT, BENGALURU DISMISSING THE
PETITION FILED U/O XXI RULE 11(2) R/W SECTION 151 OF
CPC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

By consent of the parties, the matter is taken up for
final disposal.

2. The present Revision Petition is filed challenging
the order dated 13.03.2024 of the Executing Court
rejecting the execution petition in Execution No.31/2023.

3. In the execution petition, the claim that was
made by the present petitioner being the wife and
guardian of the ward to execute the liability under the



settlement agreement entered into by the parties in M.C.No.161/2019 alleging that there are arrears.

4. Learned Trial Judge after entertaining the objections of the husband/judgment debtor in paragraph Nos.10 and 11 of the impugned order held as under:

"10. I have carefully gone through the terms and conditions of the memorandum of settlement entered into between the parties. Clause 8 of the said memorandum of settlement, clearly indicates that both the parties declare that they shall have no claim of any nature whatsoever against each other either present, past or future. Such being the case, the question of filing the present execution petition to execute the decree passed by the virtue of the settlement entered between the parties does not arise. If the DHR has got any grievance against the judgment debtor in respect of the terms and conditions of the memorandum of settlement, she is at liberty to question the same or recall the memorandum of settlement entered between the parties for non-compliance of the terms and conditions in the court which passed the decree, but without doing which, the decree holder has filed the present execution petition to execute the settlement decree entered in the mediation by the parties to the petition. The scope and ambit of the present execution petition is very limited. Admittedly, there



is no condition prescribed in the memorandum of settlement for non-compliance of the terms and conditions incorporated in the memorandum of settlement. Therefore, the execution petition is not maintainable for executing the memorandum of settlement entered between the parties."

11. The grievance of the decree holder is that the judgment debtor has violated various undertakings given by him at the time of passing of the decree. Per contra, the judgment debtor has also urged that the decree holder has violated various undertakings given by him. At the cost of repetition, I would like to say that if any terms and conditions have been violated by either of the parties, they are at liberty to question the same in the very same court where the decree has been passed, they are at liberty to recall the terms and conditions or modify the terms and conditions incorporated in the said memorandum of settlement. But the present execution petition is filed under Order XXI Rule 11(2) of CPC for executing the decree. Such an attempt made by the decree holder is baseless. Therefore, I am of the considered opinion that the petition filed by the decree holder is not maintainable. Hence, I answer point No.1 in the Negative."

5. This Court does not find any infirmity in the finding recorded by the learned Trial Judge.



6. The Executing Court cannot go beyond what has been ordered by way of enforceable decree.

7. Accordingly, the following:

ORDER

- i. Civil Revision Petition ***dismissed***.
- ii. However, after the dismissal of present execution petition, if there is any arrears, the petitioner is at liberty to recover the same in accordance with law.

Sd/-
(V SRISHANANDA)
JUDGE

SSD
List No.: 1 Sl No.: 31