



CNR: KAHC010025742022

NC: 2026:KHC:38093
W.P. No.1345/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.1345/2022 (GM-CPC)

BETWEEN:

1. SMT. G. GOPAMMA
W/O SRI. CHIKKANANJEGOWDA
D/O SRI. PUTTARANGAIAH
AGED 49 YERARS.
2. SRI. CHIKKANANJEGOWDA
S/O SRI. PATEL NANJEGOWDA
AGED 59 YEARS.

BOTH ARE R/AT YERDAHALLI
MAYASANDRA HOBLI, TURUVEKERE TQ
TUMKURU DIST 577201.

...PETITIONERS

(BY SRI. N.R. NAIK, ADV.,)

AND:

SRI. HANUMAIAH
S/O LATE MALLAIAH
AGED 65 YEARS
R/AT NO.643, 10TH B CROSS
3RD STAGE, 4TH BLOCK
WEST OF CHORD ROAD
BASAVESHWARANAGAR
BENGALURU 560079.

...RESPONDENT

(BY SRI. P.M. GOPI, ADV., FOR
SRI. P.M. SIDDAMALLAPPA, ADV., FOR C/RESPONDENT)

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



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THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER DTD. 04.01.2022 PASSED IN EXECUTION CASE NO.123/2009 BY THE HONBLE SENIOR CIVIL JUDGE AT KUNIGAL BY ALLOWING THE APPLICATION FILED BY THE RESPONDENT UNDER ORDER 26 RULE 10(b) OF CPC WHICH IS PRODUCED AT ANNEX-J & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated 04.01.2022 passed in Execution Case No.123/2009 by the Senior Civil Judge, Kunigal (for short, '***the Executing Court***').

2. Heard Sri.N.R.Naik, learned counsel for the petitioners, Sri.P.M.Gopi, learned counsel for Sri.P.M.Siddamallappa, learned counsel for the respondent and perused the material available on record.

3. The respondent had filed the suit in O.S.186/2001 against the petitioners for the relief of



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specific performance of agreement of sale which came to be decreed on 30.09.2005. Being aggrieved, the petitioner/judgment debtors have challenged the said judgment and decree in RFA No.1852/2005 and the said appeal came to be dismissed on 07.10.2009. The judgment and decree passed in O.S.No.186/2001 has attained finality. Thereafter, the respondent/deGREE holder initiated the execution proceedings way back in the year 2009 and the case was registered as Execution Case No.123/2009. In the said proceedings, the petitioners/judgment debtors have raised various objections, and the Executing Court has overruled the said objections vide order dated 30.10.2010. The said order has attained finality. Thereafter, the respondent/deGREE holder has filed an application under Order XXVI Rule 10(B) of CPC seeking appointment of the Court Commissioner to execute the sale deed in favour of the decree holder. The Executing Court considering various aspects recorded the reasons that the decree in



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O.S.No.186/2001 has attained finality, the petitioners/judgment debtors have failed to execute the sale deed as ordered in the decree and in order to avoid the execution of the sale deed, they are making unnecessary objections in the execution proceedings and proceeded to appoint the Court Commissioner. The said order is under challenge.

4. The perusal of the order under challenge and the grounds urged in the petition, I am of the considered view that the Executing Court taking note of all the aspects has come to the conclusion that the petitioners/judgment debtors are unnecessarily objecting the execution proceedings with an intention to drag the proceedings further and to avoid the execution of sale deed and has proceeded to appoint the Court Commissioner. I do not find any error in the impugned order calling for interference in this petition. The writ



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petition is devoid of merits and the same is accordingly,
rejected.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 1 Sl No.: 25