



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 946 OF 2025 (GM-CPC)

BETWEEN:

M/S MBS WHITE PALACE
HOTEL AND CONVENTION
BY ITS PROPRIETOR
SRI.M.B.SHIVA KUMAR
S/O SRI.BORAIHAH
AGED ABOUT 59 YEARS
R/AT 35, OPP VRL MYSORE ROAD
BENGALURU-560059.

...PETITIONER

(BY SRI. PRAKASH B N., ADVOCATE)

AND:

M/S MELTING FLOWERS
BY ITS PARTNER SRI.SYED ATIF ULLA
S/O SYED ARIFULLA
AGED ABOUT 38 YEARS
R/AT 58, 5TH MAIN, 11TH CROSS
A.K.HALLI, WILSON GARDEN
BENGALURU-560027

...RESPONDENT

(BY SRI. YATHIRAJ S., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS FROM THE HONBLE LXXXIII ADDL. CITY CIVIL JUDGE, BENGALURU (CCH-84) ON THE FILE BEARING COM.EX.623/24 AND SET ASIDE THE ORDER DATED: 16.12.2024 ON IA NO.1, PASSED BY THE HON'BLE LXXXIII ADDL. CITY CIVIL JUDGE, BENGALURU (CCH-84) ON THE FILE BEARING COM.EX.623/24 (ANNEXURE-A) AND ETC.

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner-Judgment Debtor has called in question the order dated 16.12.2024 passed on I.A.No.1 filed under Order XXI Rule 54 of CPC by the LXXXIII Additional City Civil Judge, Bangalore (hereinafter referred to as 'Executing Court' for short), in Com.Ex.No.623/2024, whereby the said application has been allowed and a warrant for the attachment of the immovable property bearing Katha No.250/450/13/1 has been issued therein.
2. For the sake of convenience, the parties are referred to as per their ranking before the Executing Court.
3. Learned counsel for the petitioner-Judgment Debtor submits that the petitioner-Judgment Debtor is not disputing the decretal liability and is willing to pay the entire decretal amount. It is submitted that out of the total amount of Rs.1,41,00,000/-, a sum of Rs.60,00,000/- has



already been paid. The petitioner undertakes to pay the remaining amount in monthly installments of Rs.10,00,000/- commencing from May 2026 and to clear the entire balance by the end of January 2027. It is therefore prayed by the petitioner that this Court may be pleased to grant some reasonable time to pay the balance amount and stay further execution proceedings in the meantime.

4. The said submission is taken on record.

5. After hearing the learned counsel for the petitioner and perusing the records, this Court notes that the petitioner has challenged the order dated 16.12.2024, wherein a warrant was issued for attachment of his immovable property.

6. During the hearing, it is noted that the petitioner-Judgment Debtor is not denying the liability and is willing to pay the entire decretal amount if reasonable time is granted. It is also noted that out of the total amount of Rs.1,41,00,000/-, the petitioner has already paid



Rs.60,00,000/-. The petitioner-Judgment Debtor has undertaken to pay the remaining amount in monthly installments of Rs.10,00,000/- starting from May 2026 and to clear the full amount by January 2027.

7. Considering this, the Court finds that the petitioner has already paid a substantial portion of the amount and has shown a genuine intention to pay the balance amount within a fixed time period. Therefore, it is appropriate to grant some time to the petitioner to complete the payment.

8. At the same time, the rights of the Decree Holder must be protected. Therefore, execution proceedings, including attachment, can be kept in abeyance for a limited period, subject to the petitioner making payments regularly. If the petitioner fails to make payment of any installment/s, the Decree Holder is free to continue the execution proceedings in accordance with law.



9. Accordingly, following order is passed:

ORDER

- a) The writ petition is ***disposed of.***
- b) The petitioner-Judgment Debtor is directed to deposit the remaining decretal amount in monthly installments of Rs.10,00,000/- commencing from May 2026 before the Executing Court and to clear the entire amount by the end of January 2027.
- c) Upon such monthly deposits, the Executing Court shall release the amount in favour of the Decree Holder, subject to due verification.
- d) The Executing Court is directed to release an amount of Rs.15,00,000/- deposited by the petitioner-Judgment Debtor in favour of the respondent-Decree Holder, after due verification.
- e) The Registry is directed to release the amount of Rs.35,00,000/- deposited before this Court by the petitioner-Judgment Debtor in favour of the respondent-Decree Holder, after due verification.



f) The Executing Court shall not proceed further with the execution petition till January 2027, subject to regular payment of installments.

g) In the event of any default in payment, it is open to the Decree Holder to proceed with the execution petition, in accordance with law.

In view of the disposal of the writ petition, all pending applications, if any, stand disposed of.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

HA
LIST NO.: 1 SL NO.: 67