



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 10TH DAY OF JUNE, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.2523/2022 (GM-CPC)

BETWEEN:

1. SMT. RUDRAMMA
W/O RAMANNA
AGED ABOUT 63 YEARS.
2. SRI. L.R. NAGARAJU
S/O RAMANNA
AGED ABOUT 44 YEARS.
3. T.R. SUJATHA
D/O RAMANNA
AGED ABOUT 38 YEARS.
4. L.R. SUNANDA
D/O RAMANNA
AGED ABOUT 40 YEARS
C/O SMT. RUDRAMMA
W/O RAMANNA.

ALL ARE R/OF :
DURGADADA STREET
TARIKERE TOWN,
TARIKERE
CHIKKAMAGALURU DISTRICT-577228.

...PETITIONERS

(BY SRI. MANJUNATH K, ADV., FOR
SRI. RAJASHEKAR N, ADV.,)

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



AND:

T.N. MOHAN KUMAR
S/O T.K. NINGAPPA
AGED ABOUT 46 YEARS
R/O BEHIND NAGAPPA COLONY
TARIKERE TOWN,
TARIKERE
CHIKKAMAGALURU DISTRICT-577228.

...RESPONDENT

(RESPONDENT IS SERVED BUT UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DTD. 03.01.2022, PASSED BY THE HON'BLE SENIOR CIVIL JUDGE AND PRINCIPAL JMFC, TARIKERE IN INTERIM APPLICATION NO.11 UNDER SECTION 151 OF THE CIVIL PROCEDURE CODE FILED BY THE PETITIONERS/JUDGMENT DEFENDANTS IN EX.PET. NO.51/2017 VIDE ANNEX-K BY ALLOWING THIS PETITION & 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 petition is filed challenging the order dated 03.01.2022 passed in Ex.No.51/2017 by the Senior Civil Judge and Principal JMFC, Tarikere (for short, '***the Execution Court***').

2. Sri.Manjunath K., learned counsel for Sri.Rajashekar N., learned counsel for the petitioners submits that in execution proceedings, petitioners have filed an application seeking permission of the Court to deposit ₹2,00,000/- as the respondent/decreed holder has refused to receive the same. However, the Execution Court proceeded to direct the petitioners/judgment debtors to deposit the entire amount along with interest by the next date of hearing without fail. It is submitted that sofar the petitioners have deposited ₹6,00,000/- and sought permission to deposit ₹2,00,000/- and if further time is granted they would make the deposits, but without



considering any of the aspects, the Execution Court has ordered to deposit the entire amount, hence, he seeks to allow the petition.

3. Though the notice is served on the respondent, there is no representation.

4. I have heard the arguments of the learned counsel for the petitioners and meticulously perused the material available on record.

5. The respondent has filed a suit in O.S.No.52/2015 seeking the relief of specific performance of the agreement of sale and also sought alternate relief of refund of earnest money. The suit in O.S.No.52/2015 came to be partly decreed vide judgment dated 25.10.2016 by directing the petitioners herein to refund the earnest money of ₹7,80,000/- with interest at the rate of 6% per annum from the date of suit till realisation of the amount.



6. The respondent/decreed holder initiated the execution proceedings in Ex.No.51/2017 for recovery of ₹13,38,081/-. In the said proceedings, the decreed holder has filed applications in I.A.Nos.8 to 10 seeking prayer to attach immovable property of the petitioners/judgment debtors, sought permission to participate in the public auction in respect to the petition schedule property and sought direction to sell the attached property to satisfy the decretal amount by allowing the applications. It is to be noticed that the petitioners/judgment debtors filed an application on 20.09.2021 seeking permission of the Execution Court to deposit ₹2,00,000/- on the ground that the decreed holder has refused to receive the said amount.

7. It is to be noticed that the Execution Court considered the application filed by the petitioners/judgment debtors and recorded a clear finding that sufficient time is provided to the judgment debtors to pay the amount, however, they have dragged on the proceedings, and directed the judgment debtors to deposit



the entire amount by the next date of hearing without fail and till that date the applications filed by the respondent/decreed holder in I.A.Nos.8 to 10 are kept in abeyance. In my considered view, the Execution Court is fully justified as the decretal amount claimed by the respondent/decreed holder is more than ₹13,38,081/- as on the date of filing of the execution petition, and the contention that the judgment debtors have deposited ₹6,00,000/- and they would deposit further ₹2,00,000/- has no merit for consideration. Accordingly, the writ petition is ***disposed of*** without interfering with the impugned order of the Execution Court, however the judgment debtors are permitted to deposit the entire amount before the Execution Court on or before 30.06.2026, failing which it is open for the Execution Court to consider I.A.Nos.8 to 10 in accordance with law.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE