



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 03<sup>RD</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE V SRISHANANDA**

**REGULAR SECOND APPEAL No.258 OF 2026**

**BETWEEN:**

SMT. JAYALAXMAMMA  
W/O LATE CHADDI KEMPANNA  
AGED ABOUT 75 YEARS  
R/O KODIHALLI,  
OLD WARD NO.15,  
NEW WARD NO.17,  
BHADRAVATHI-577 301

...APPELLANT

(BY SRI. B K MANJUNATH, ADVOCATE)

**AND:**

1. C MUNIRAJU  
S/O CHINNAPPA,  
AGED ABOUT 63 YEARS  
R/O S.J ROAD, GIRISH NILAYA,  
JANNAPURA,  
BHADRAVATHI -577301
2. SHIVU  
S/O LATE ANNAPPA,  
AGED ABOUT 48 YEARS  
R/O HOSA KODIHALLI VILLAGE,  
TARIKERE ROAD,  
BHADRAVTHI -577301
3. KRISHNA  
S/O LATE ANNAPPA,  
AGED ABOUT 48 YEARS  
R/O HOSA KODIHALLI VILLAGE,  
TARIKERE ROAD,

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



BHADRAVATHI -577301

4. SRI S.RAMESH  
S/O SRI A.S.KUMAR,  
AGED ABOUT 40 YEARS  
PWD CONTRACTOR,  
R/O MADHAVANAGARA,  
OLD TOWN, BHADRAVATHI- 577301

...RESPONDENTS

THIS RSA IS FILED UNDER SECTION 100 OF CODE OF CIVIL PROCEDURE, AGAINST THE JUDGMENT AND DECREE DATED 03.11.2025 PASSED IN RA NO.73/2022 ON THE FILE OF PRL. SENIOR CIVIL JUDGE AND JMFC, BHADRAVATHI, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 24.08.2022 PASSED ON IA XVIII IN EX NO.297/2012 ON THE FILE OF III ADDITIONAL CIVIL JUDGE AND JMFC, BHADRAVATHI.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

**ORAL JUDGMENT**

Heard Sri B.K.Manjunath, learned counsel for the appellant.

2. This Court did not deem it fit to issue notice to the respondents.

3. Appellant is the objector who objected for execution of the decree passed in O.S No.462/2011 in Execution Case



No.297/2012 filed by the auction purchaser, on the file of the III Additional Civil Judge and JMFC, Bhadravathi.

4. Appellant objected for execution of the decree by filing an application under Order XXI Rule 59, 97 and 101 to 103 read with Section 151 of the Code of Civil Procedure. Said application was adjudicated and dismissed after holding an enquiry by the Executing Court.

5. Operative portion of the Executing Court order reads as under:

*"The applications filed by the obstruction petitioners No.1 to 4 under Order 21 rule 97, 101 to 103 r/w 151 Code of Civil Procedure are hereby rejected with costs.*

*The auction purchaser is at liberty to evict the obstruction petitioners No.1 to 4 from the schedule houses with due course of law.*

*Further, the auction purchaser is at liberty to implead himself as a party to the pending proceedings initiated by the JDr's and obstruction petitioners pertinent to the schedule properties.*

*The prayer of auction purchaser to issue delivery warrant pertaining to the schedule property is hereby rejected.*



*The execution petition is hereby closed as fully satisfied."*

6. Being aggrieved by the same, Appellant herein filed an appeal before the First Appellate Court in R.A No.73/2022 on the file of the Prl. Senior Civil Judge and JMFC, Bhadravathi.

7. Learned Judge in the First Appellate Court, after securing the records, heard the arguments of the parties and noted that no prejudice has been caused to the appellant herein as she failed to make out independent right to object the decree and thus dismissed the appeal.

8. Being further aggrieved by the same, appellant is before this Court.

9. Sri Manjunath, learned counsel for the appellant reiterating the grounds urged in the appeal memorandum would contend that there is no title in favour of the Judgment debtor who could not evict the appellant from the premises and therefore they colluded with the Decree Holder.

10. He also argued that the Decree Holder purchased the suit property in the Court auction and as such, the appellant who is



in possession of the property for more than 50 years is affected by the Order passed in the Execution Petition and thus sought for admitting the appeal on the following substantial questions of law.

*(i) Whether the 1<sup>st</sup> appellate court was justified in not considering oral as well as the documentary evidence produced by the appellant before the execution court as an objector?*

*(ii) Whether the 1<sup>st</sup> appellate court was justified in dismissing the appeal filed by the appellant when the impugned judgment and decree passed by 1<sup>st</sup> appellate court does not disturb the remaining operative portion of the order passed in Execution Petition No.297/2012 dated 24.08.2022?*

*(iii) Whether the 1<sup>st</sup> appellate court was justified in not considering the dismissal of HRC Case No.11/2010 directing the petitioners in HRC Case No.11/2010 filed by the judgment debtors against the appellant to approach the civil court to prove their title?"*

11. On hearing the learned counsel for appellant, this Court perused the material on record meticulously.



12. On such perusal of the material on record, it is noticed that there is no independent right that has been established by the appellant herein to oppose the decree.

13. Further, if the appellant is in possession of the property, she has not been affected by the order passed by the Executing Court referred to supra.

14. All that the Executing Court has directed while rejecting the application is to implead the decree holder in the pending matter and evict the appellant in accordance with law.

15. Thus, no rights of the appellant has been affected by passing the impound order by the Executing Court confirmed by the First Appellate Court.

16. In the absence of any independent right made out by the appellant except holding onto the possession of the suit property, that too without any title being there in the appellant, this Court does not find merit in any one of the substantial questions of law raised in the appeal memorandum.



17. Consequently, the following:

ORDER

- (i) Admission declined.
- (ii) Appeal ***dismissed***.

**Sd/-**  
**(V SRISHANANDA)**  
**JUDGE**

kcm  
List No.: 1 Sl No.: 61