



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO.6397 OF 2026 (GM-CPC)

BETWEEN:

1. V.N. NARAYANAPPA
SON OF LATE NAGAPPA,
AGED ABOUT 68 YEARS,
R/AT UPPARAHALLI VILLAGE
GAURIBIDANUR TALUK,
CHIKKABALLPUR DISTRICT
PIN CODE: 561 211

...PETITIONER

(BY SRI. SHRINIVAS MANOHAR KULKARNI, ADVOCATE)

AND:

K. RAMAMURTHY
(DIED) BY LRS

1. SMT. SOMASRIDEVI
WIFE OF LATE K.RAMAMURTHY
AGED ABOUT 68 YEARS
2. SRI. K. PRAVEEN KUMAR
SON OF LATE K.RAMAMURTHY
AGED ABOUT 45 YEARS

R1 AND 2 ARE RESIDING AT NO.2/36
N. S. NAGAR, ARTS COLLEGE ROAD
ADONI-518 301

...RESPONDENTS

(BY SRI. J. VENKATESWARULU, ADVOCATE FOR R1 AND R2)

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR WRIT OR ORDER OR DIRECTION OF APPROPRIATE NATURE QUASHING THE ORDER DATED 14-01-2026 PASSED IN COM. EX. 25/2024 (ANNEXURE-D) ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE AT CHIKKABALLAPUR THEREBY DISMISS THE SAID APPLICATION FILED UNDER ORDER 21 RULE 54 OF THE CODE OF CIVIL PROCEDURE.

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

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

ORAL ORDER

1. The petitioner–Judgment Debtor, in the present writ petition, has called in question the order dated 14.01.2026 passed by the Principal District and Sessions Judge, Chikkaballapura (hereinafter referred to as the “Executing Court”) on an application filed by the Decree Holders under Order XXI Rule 54 read with Section 151 of the Code of Civil Procedure, 1908, in Com. Ex.No.25/2024, whereby the said application came to be allowed.

2. For the sake of convenience, the parties are referred to as per their ranking before the Executing Court.



3. The Decree Holders had instituted a suit in O.S.No.13/2017 before the II Additional District and Sessions Judge, Kurnool at Adoni (hereinafter referred to as the "Trial Court") seeking recovery of money. The said suit came to be decreed on 29.11.2023. Aggrieved by the judgment and decree, the Judgment Debtor preferred an appeal in A.S. No. 669/2024 before the High Court of Andhra Pradesh at Amaravati. During the pendency of the appeal, the Decree Holders initiated execution proceedings in Com. Ex. No. 25/2024 before the Executing Court. By the impugned order dated 14.01.2026, the Executing Court issued notice to the Judgment Debtor for attachment of immovable properties. Aggrieved thereby, the petitioner is before this Court.

4. The Division Bench of the High Court of Andhra Pradesh, in A.S.No.669/2024, passed an interim order dated 28.10.2025, which reads as follows:



ORDER:

"Heard Sri S.M.Kulakarni, learned counsel appearing for Sri K.H.V.Shiva Kumar, learned counsel for the appellant and Sri Butta Vijaya Bhasker, learned counsel for the respondents.

In view of the submissions made by both sides, there shall be stay of judgment and decree dated 29.11.2021 in OS No.13 of 2017 on the file of the II Additional District Judge, Kurnool at Adoni, including proceedings in EP No.25 of 2024 before the Principal District Judge, Chikballapur, subject to condition of the applicant depositing half the decretal amount and costs to the credit of OS No.13 of 2017, on the file of the II Additional District Judge, Kurnool at Adoni, within a period of six (06) weeks. Upon such deposition, the respondents are entitled to withdraw the same with no security.

In the event of failure to deposit the said amount, this order shall stand vacated and respondents are free to pursue EP No. 25 of 2024."



5. It is not in dispute that the aforesaid interim order dated 28.10.2025 was not complied with by the petitioner–Judgment Debtor within the stipulated time. Consequently, the Executing Court proceeded with the matter and issued notice for attachment of immovable properties.

6. In the present writ petition, this Court, by order dated 26.02.2026, granted an interim stay of further proceedings in Com. Ex. No. 25/2024, subject to the condition that the petitioner deposits a sum of Rs.20,00,000/- before the Executing Court on or before 26.03.2026.

7. In compliance with the said order, the petitioner–Judgment Debtor has deposited a sum of Rs.20,00,000/- before the Executing Court. It is also on record that a sum of Rs.1,50,000/- had already been deposited earlier. Thus, in total, the petitioner has deposited Rs.21,50,000/-.



8. However, as per the interim order dated 28.10.2025 passed in A.S.No.669/2024, the petitioner–Judgment Debtor is still required to deposit an additional sum of approximately Rs.7,00,000/-.

9. In the above circumstances, the following order is passed:

ORDER

- a) The writ petition is disposed of.
- b) The petitioner–Judgment Debtor shall deposit a further sum of Rs.7,00,000/- before the Executing Court on or before 02.05.2026.
- c) Upon such deposit being made, the Executing Court shall not proceed further in Com. Ex. No. 25/2024 until the disposal of the appeal or until further orders in A.S.No.669/2024 pending before the High Court of Andhra Pradesh.



d) The Executing Court shall release the amount deposited by the Judgment Debtor in favour of the Decree Holders, subject to due verification.

e) The release of the said amount shall be subject to the outcome of A.S.No.669/2024 pending before the High Court of Andhra Pradesh.

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

DM
List No.: 1 Sl No.: 61