



CNR: KAHC010152012025

NC: 2026:KHC:37498
WP No. 8139 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.8139 OF 2025 (GM-CPC)

BETWEEN:

1. SMT. SWATHI
W/O MUKUNDA
AGED ABOUT 34 YEARS,
2. SMT. USHA
W/O LATE SURESH
AGED ABOUT 31 YEARS
3. SRI. K MUKUND
S/O LATE S KRISHNAPPA
AGED ABOUT 34 YEARS,

ALL PETITIONERS RESIDING AT
NO.207, IMMADIHALLI VILLAGE,
WHITEFIELD POST,
BENGALURU - 560 066.

...PETITIONERS

(BY SRI. SIDDARAJU S, ADVOCATE)

ND:

MR. NARAYANASWAMY. P
S/O LATE POOJAPPA
AGED ABOUT 58 YEARS,
R/AT IMMADIHALLI VILLAGE,
WHITEFIELD POST,



NC: 2026:KHC:37498
WP No. 8139 of 2025

CNR: KAHC010152012025

BENGALURU - 560 066.

...RESPONDENT

(BY SRI. SHANKAREGOWDA V.N, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI TO QUASH THE ORDER DATED 5.08.2024 BEING PASSED ON IA NO.3/2023 FILED UNDER ORDER 21 RULE 54, 64 AND 66 R/W SECTION 151 OF CPC ON THE FILE OF COM.EX.NO.85/2023 PENDING ADJUDICATION BEFORE THE COURT OF THE COURT OF THE XI ADDL. DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU AND CONSEQUENTLY QUASH THE ORDER ON IA NO.3/2023 FILED AS ANNEXURE-A, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



CNR: KAHC010152012025

ORAL ORDER

The present writ petition is filed aggrieved by the order dated 05.08.2024 passed in I.A.No.3 filed under Order XXI Rules 54, 64, and 66, read with Section 151 of the CPC in COM.Ex.85/2023 by the XI Addl. District & Sessions Judge, Bangalore Rural District. The trial court allowed the application under Section 151 of the CPC, attached the petitioner's scheduled property for recovery of the decretal amount, and restrained the judgment debtors from alienating or creating any third-party rights over the petitioner's scheduled property until further orders.

2. Today, a joint settlement memo has been filed before this Court. All three petitioners and the respondent are present before the Court and are identified by their respective advocates. As per the memo, the respondent initially filed the suit in Com.O.S.750/2021 seeking recovery of Rs.1,39,43,424/- along with future interest at 18% p.a. The matter was settled before the Lok Adalat for Rs.1,40,00,000/-. Due to the petitioner's financial constraints, he could not pay the agreed amount as per the compromise on time. After



CNR: KAHC010152012025

**NC: 2026:KHC:37498
WP No. 8139 of 2025**

discussions, the parties reached a mutual understanding and decided to settle the matter. As per the same, the petitioner has agreed to pay the respondent a sum of Rs.40,00,000/- as a full and final settlement, and before this Court he has paid a sum of Rs.20,00,000/- vide DD bearing No.074516 dated 29.06.2026 drawn in the Karnataka Bank in favour of the respondent. The said DD has been handed over by the petitioner to the respondent before this Court.

3. It is stated that the petitioners have agreed to pay the outstanding amount of Rs.20,00,000/- to the respondent within 60 days from 06.07.2026. It is further stated that if the petitioners fail to pay the said amount, the respondent is at liberty to proceed with the execution proceedings pending in Com.Ex.85/2023, as per the Judgment and decree in Com.OS.No.750/2021. After the full payment is made by the petitioners, the respondent shall forgo all his claims as made in the judgment and order dated 20.09.2022. Once the amount of Rs.20,00,000/- is paid, the respondent shall report the same to the Commercial Court in Com.Ex.85/2023 and withdraw the proceedings pending before the Court.



**NC: 2026:KHC:37498
WP No. 8139 of 2025**

CNR: KAHC010152012025

4. In light of the joint memo for settlement filed before this Court, this Court deems it appropriate to pass the following:

ORDER

- i. Accordingly, the writ petition is ***disposed of*** in the light of the joint memo dated 21.07.2025.
- ii. The joint memo shall be part of this order.
- iii. Pending I.As if any, in the petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

TS
List No.: 2 SI No.: 30