



CNR: KAHC010214282019

NC: 2026:KHC:52789
WP No. 31060 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.31060 OF 2019 (GM-CPC)

BETWEEN:

1. SRI.MUDDAIAH
S/O BELLAIAH
AGED 40 YEARS
2. SRI.NARAYANA
S/O RAMAIAH
AGED 40 YEARS
3. SRI.SHIVANAGAIAH
S/O BASAMMA
AGED 47 YEARS
4. SRI.R.SWAMY
S/O KARIAYYA
AGED 38 YEARS
5. SRI.KONGALAIAH
S/O KARIAYYA
AGED 36 YEARS
6. SRI.SHANKARAIAH
S/O SHIVAIAH
AGED 40 YEARS

ALL ARE R/O
VADDAGERE VILLAGE
TERAKANAMBI HOBLI

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SACHIN SHANKAR MAGADUM
Verified





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GUNDLUPET TALUK
PINCODE – 571111

...PETITIONERS

(BY SRI.NAGARAJ R C, ADVOCATE)

AND:

SMT.SHIVAMMA
W/O LATE MALLAPPA
AGED 59 YEARS
R/O VADDAGERE VILLAGE
TERAKANAMBI HOBLI
GUNDLUPET TALUK
PINCODE – 571111

...RESPONDENT

(BY SRI.P.MAHESHA, ADVOCATE FOR PROPOSED R.1(A))

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DTD 8.2.2019 PASSED IN EX.P.NO.17/2011 ON THE FILE OF THE PRINCIPAL CIVIL JUDGE AND JMFC AT GUNDLUPET PRODUCED AT ANNEXURE-A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioners/Judgment Debtors have called in question the order dated 08.02.2019 passed by the

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Principal Civil Judge and JMFC, Gundlupet, in Ex.P.No.17/2011, whereby the learned Executing Court has ordered detention of the Judgment Debtors in civil prison for a period of six months.

2. This petition was heard at length. Learned counsel appearing for the petitioners and learned counsel appearing for the respondent-Decree Holder have addressed their respective submissions.

3. During the course of hearing, notwithstanding the submission regarding the death of the respondent-Decree Holder, this Court, having regard to the grounds urged in the present writ petition, put a specific query to the learned counsel appearing for the petitioners as to whether the petitioners were justified in disputing the possession of the Decree Holder, particularly when the decree passed in O.S.No.21/2007 recognizes and protects the possession of the Decree Holder. This Court also indicated that, in view of the stand taken in the writ



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petition, the petitioners may not be entitled to any indulgence and the writ petition was liable to be dismissed, thereby leaving the order of detention undisturbed.

4. In the aforesaid circumstances, learned counsel appearing for the petitioners sought an opportunity to obtain instructions from the petitioners/Judgment Debtors and requested that the matter be adjourned.

5. Today, petitioner Nos.1, 2 and 4 to 6 have filed a joint affidavit of undertaking. The said affidavit is taken on record.

6. Petitioner Nos.1, 2 and 4 to 6, who are personally present before this Court, have also submitted that the whereabouts of petitioner No.3 have not been known since the outbreak of the COVID-19 pandemic. They have further stated that they are not in a position to ascertain whether petitioner No.3 is alive or not.

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7. The statements made by petitioner Nos.1, 2 and 4 to 6 are taken on record. This Court has also taken note of the undertaking furnished by them, wherein they have unequivocally undertaken not to interfere with the peaceful possession of the Decree Holder over the suit schedule property. They have further acknowledged the judgment and decree passed in O.S.No.21/2007 and have undertaken that they shall not, in any manner, violate or act contrary to the judgment and decree dated 19.10.2010 passed therein.

In view of the aforesaid undertaking, and having regard to the categorical assurance furnished by petitioner Nos.1, 2 and 4 to 6 before this Court, the writ petition is ***disposed of*** insofar as petitioner Nos.1, 2 and 4 to 6 are concerned, accepting the undertaking furnished by them.

Consequently, the order dated 08.02.2019 passed in Ex.P.No.17/2011 by the Principal Civil Judge and JMFC,

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Gundlupet, is set-aside insofar as petitioner Nos.1, 2 and 4 to 6 are concerned.

It is made clear that the undertaking furnished by petitioner Nos.1, 2 and 4 to 6 shall remain binding upon them and any violation thereof shall entail such consequences as may be permissible in law.

No order as to costs.

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Verified

(SACHIN SHANKAR MAGADUM)
JUDGE