



CNR: KAHC010220712018

NC: 2026:KHC:49141
WP No. 50211 of 2018
C/W CRP No. 487 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 50211 OF 2018 (GM-CPC)

C/W

CIVIL REVISION PETITION NO. 487 OF 2018 (EX)

IN WP No. 50211/2018

BETWEEN:

1. SHRI. G. SRINIVAS
SINCE DECEASED BY HIS LRS

1(A) SMT. R. VARALAKSHMI
W/O LATE SHRI G SRINIVAS
PRESENT AGED ABOUT 55 YEARS

1(B) S. KIRAN
W/O LATE SHRI G SRINIVAS
PRESENT AGED ABOUT 22 YEARS

1(B) SMT S. TEJASVINI
D/O LATE SHRI G SRINIVAS
PRESENT AGED ABOUT 20 YEARS

ALL ARE RESIDENTS OF NO 7/1,
5TH CROSS, 9TH MAIN
NEAR KALIKAMBA TEMPLE, AVALAHALLI
BDA LAYOUT, BENGALURU - 560085

...PETITIONERS

(BY SHI. PRADEEP, ADVOCATE FOR
SRI. SHANMUKHAPPA, ADVOCATE)

AND:

1. SHRI. ASHOK CHAND JAIN

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SACHIN SHANKAR MAGADUM
Verified

Digitally signed
by ALBHAGYA
Location: HIGH
COURT OF
KARNATAKA



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S/O LATE SHRI H JAWAHARLAL
R/O GARUDACHAR COMPLEX,
CHICKPET, BENGALURU - 560002.

...RESPONDENT

(BY SRI. G. DEVARAJ, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO, SET ASIDE THE
IMPUGNED ORDER DATED 26.09.2018 PASSED BY THE
LEARNED XIX ADDITIONAL CITY CIVIL & SESSIONS JUDGE,
CCH NO.18, BENGALURU CITY IN EXECUTION NO.448/2007
VIDE ANNEXURE-A.

IN CRP NO. 487/2018

BETWEEN:

1. SMT. R. VARALAKSHMI
W/O. LATE G. SRINIVASA,
AGED ABOUT 57 YEARS,
2. SRI. S. KIRAN
S/O. LATE G. SRINIVAS,
AGED ABOUT 24 YEARS,
3. S. TEJASWINI
D/O. LATE G. SRINIVAS,
AGED ABOUT 22 YEARS,

ALL ARE RESIDENTS OF NO.7/1,
5TH CROSS, 9TH MAIN,
NEAR KALIKAMBA TEMPLE,
AVALAHALLI, BDA LAYOUT,
BANGALORE-560 026.

...PETITIONERS

(BY SRI. PRADEEP, ADVOCATE FOR
SRI. SHANMUKHAPPA, ADVOCATE)



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AND:

1. SRI. ASHOK CHAND JAIN
S/O. LATE H. JAWAHARLAL
AGED ABOUT 60 YEARS
R/O. SHUBH KUNJ, NO.3/12,
ST. JOHNS CROSS ROAD,
BANGALORE-560 042.

...RESPONDENT

(BY SRI. G. DEVARAJ , ADVOCATE)

THIS CRP IS FILED UNDER SEC.115 OF CPC., AGAINST THE ORDER DATED 20.08.2018 PASSED IN EX.NO.2212/2006 ON THE FILE OF THE XIX ADDL.CITY CIVIL AND SESSIONS JUDGE, BANGALORE CITY.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

These two petitions are taken up together for consideration, as the orders impugned herein are interconnected and arise out of the execution proceedings pending in Ex.Nos.448/2007 and 2212/2006, instituted by the petitioner in the respective proceedings.

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2. The petitioners in both the petitions call in question the orders passed by the learned Executing Court holding that the respondent/decreed holder is entitled to proceed against the legal representatives of the deceased judgment debtor, G.Srinivas, in respect of the properties standing in the name of his wife, who was arrayed as judgment debtor No.1(a).

3. The petitioners, who are the widow and children of the original judgment debtor, contend that the judgment debtor died without leaving behind any estate and, therefore, the petitioners cannot be called upon to satisfy the money decree out of their independent properties. The principal plank of the challenge is that the schedule property does not form part of the estate of the deceased judgment debtor. It is specifically contended that petitioner No.1 had acquired the property in her own name with financial assistance extended by her parental family and that, consequently, a property standing in her

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individual name cannot be brought to sale in execution of a decree against the deceased judgment debtor.

4. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the respondent/decreed holder. Perused the orders impugned and the material available on record.

5. The controversy, in the opinion of this Court, has to be examined in the backdrop of the sequence of transactions which preceded the acquisition of the property standing in the name of petitioner No.1. The material on record, as noticed by the learned Executing Court, discloses that the original judgment debtor had alienated Municipal Plot No.12 in favour of his relative, Surendranath Singh, on 22.08.2005. Within a period of less than two months thereafter, petitioner No.1, namely, Varalakshmi, wife of the original judgment debtor, acquired property bearing No.22/3 situated at Avalahalli Village under a registered sale deed dated 19.10.2005.



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6. The aforesaid chronology assumes significance when considered along with the respective sale considerations. The property belonging to the original judgment debtor was alienated for a consideration of Rs.30,00,000/-, whereas the property subsequently acquired in the name of his wife was purchased for a consideration of Rs.12,70,000/-. The proximity of these transactions, coupled with the relationship between the parties and the circumstances in which the transactions came to be effected, furnished sufficient basis for the decree holder to question the alleged independent acquisition by petitioner No.1.

7. Once such circumstances were brought on record, a mere assertion by petitioner No.1 that the purchase was made from funds provided by her parents could not, by itself, be accepted as sufficient to establish the independent character of the acquisition. The burden of substantiating such a specific plea necessarily required



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supporting material demonstrating the source of funds and the actual financial assistance allegedly extended by the parents.

8. In the present case, such material is conspicuously absent. Though petitioner No.1 Mounted the witness box and evidence of her relatives was also led, there is no cogent evidence establishing the financial capacity of her parents to advance the amount in question. Equally, there is no convincing material establishing the actual transfer of such funds by the parents towards the purchase of the property. The evidence, therefore, falls short of establishing the plea of an independent source of acquisition.

9. What assumes greater significance is that the alienation by the original judgment debtor and the acquisition of the property in the name of his wife occurred within an unusually short interval. The Court is not called upon to determine the matter merely on the basis of the



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name in which the subsequent sale deed stands. The surrounding circumstances, the timing of the transactions, the relationship between the parties, the respective sale considerations and, most importantly, the absence of satisfactory evidence regarding the alleged independent source of funds, are all relevant circumstances which the Executing Court was entitled to take into consideration.

10. The cumulative effect of these circumstances lends substantial support to the inference drawn by the learned Executing Court that the consideration received upon alienation of Municipal Plot No.12 was utilized for, or channelled towards, acquisition of the subsequent property in the name of petitioner No.1. The fact that the latter property was acquired within two months of the alienation of the property belonging to the judgment debtor cannot be viewed in isolation, particularly when the plea of independent acquisition has not been established by reliable evidence.

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11. The petitioners seek to place considerable reliance on the fact that the subsequent property stands in the name of petitioner No.1. However, the mere execution of a registered sale deed in her favour does not, in the circumstances of the present case, conclude the matter. The question before the Executing Court was whether the property could legitimately be regarded as an asset available for satisfaction of the decree in the peculiar circumstances brought before it. The learned Executing Court has considered the entire sequence of transactions and the evidence led by the parties and has recorded a finding against the petitioners.

12. This Court, while exercising supervisory jurisdiction, is not sitting as an appellate Court to re-appreciate the evidence merely because another view may be possible. Interference would be warranted only where the finding of the Executing Court is shown to be perverse, based on no evidence, contrary to the material on record,

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or vitiated by a patent error of law or jurisdictional infirmity. No such infirmity is demonstrated in the present case.

13. On an overall consideration of the material on record, this Court is of the considered view that the learned Executing Court has not committed any error of jurisdiction or illegality in holding that the decree holder is entitled to proceed against the property in question. The findings recorded by the Executing Court are founded upon the proved sequence of transactions and the failure of petitioner No.1 to establish the alleged independent source of funds. The impugned orders, therefore, do not warrant interference.

14. For the foregoing reasons, both the petitions fail and are accordingly ***dismissed***. No order as to costs.

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(SACHIN SHANKAR MAGADUM)
JUDGE

CA / List No.: 1 Sl No.: 20