



CNR: KAHC010282962019

NC: 2026:KHC:49713
WP No. 42199 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 42199 OF 2019 (GM-CPC)

BETWEEN:

1. HEMALATHA. P
W/O PADMANABHA M
AGED ABOUT 38 YEARS
2. IMPANA P
D/O PADMANABHA M
AGED ABOUT 17 YEARS,
3. RAKSHITHA P
D/O PADMANABHA M
AGED ABOUT 5 YEARS,

ALL ARE RESIDING AT
NO.45, GROUND FLOOR,
4TH MAIN, 5TH CROSS,
SAMPANGIRAMANAGARA
BANGALORE - 560 027.

PETITIONERS NO. 2 AND 3 ARE MINORS
BEING REP. BY NATURAL GURADIAN
MOTHER
HEMALATHA .P (P1)

...PETITIONERS

(BY SRI. KRISHNA S. VYAS, ADVOCATE)

AND:

1. T. MUNISWAMY
S/O LATE THIMMAIAH

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AGED ABOUT 72 YEARS

2. LAKSHMAMMA
W/O T.MUNISWAMY
AGED ABOUT 65 YEARS,

NO.1 AND 2 RESIDING AT
NO.8, 15TH CROSS, 4TH MAIN,
SAMPANGIRAMANAGAR
BANGALORE - 560 027.

3. M. RANGANATHA
S/O T.MUNISWAMY,
AGED ABOUT 45 YEARS,
RESIDING AT
NO.12/3, 12TH CROSS,
SAMPANGIRAMANAGARA
BANGALORE - 560 027.

4. M. PADMANABHA
S/O T.MUNISWAMY,
AGED ABOUT 42 YEARS,
RESIDING AT
NO.3, AVENUE P.G.HOSTEL,
21ST CROSS, CUBBONPET,
BANGALORE - 560 002.

...RESPONDENTS

(R2 AND R3 SERVED)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 05.08.2019 PASSED IN EXECUTION NO.1653/2017 BY THE XXth ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE VIDE ANNEX-A CLOSING THE EXECUTION PETITION.

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

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CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed by the decree holders/plaintiffs calling in question the order passed by the learned Executing Court whereby the execution proceedings in Execution Case No.1653/2017 have been closed, consequent upon the deposit of a sum of Rs.6,00,000/- by the judgment debtors.

2. The principal grievance of the petitioners is that, while considering I.A.No.3, the learned Trial Court had directed respondent No.4/judgment debtor No.4 to deposit a sum of Rs.6,00,000/- towards maintenance. According to the petitioners, the said amount was required to be deposited in Execution Case No.1653/2017, which was instituted for enforcement of the order of maintenance passed in O.S.No.1498/2015. It is, therefore, contended that the deposit made in the connected criminal miscellaneous proceedings could not have been treated as

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satisfaction of the liability arising under the decree in O.S.No.1498/2015.

3. The petitioners would further contend that they have initiated separate proceedings for recovery of the maintenance awarded in Crl.Misc.No.261/2014 and that the said proceedings are presently pending consideration in Crl.Misc.No.3/2017 c/w Crl.Misc.No.109/2018. On that premise, it is urged that the amount deposited in the said proceedings could not have been appropriated towards the maintenance payable under the decree sought to be executed in Execution Case No.1653/2017.

4. This Court, having considered the rival contentions, is of the view that the controversy essentially concerns the manner in which the amounts paid or deposited towards maintenance under different orders are required to be accounted for. The mere fact that maintenance has been awarded in more than one proceeding does not result in the decree holder becoming



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entitled to recover the same amount more than once. The amounts admittedly paid or deposited towards maintenance are required to be given due credit and adjusted while determining the subsisting liability under the respective orders. Such adjustment is intended to prevent duplication of recovery and not to deprive the decree holder of any amount which, after proper accounting, remains legally due.

5. In the present case, there is no dispute that a sum of Rs.6,00,000/- has been deposited in the criminal miscellaneous proceedings under Cheque No.055573 in Crl.Misc.No.3/2017. The said deposit, having admittedly been made towards the maintenance liability, cannot be directed to be disregarded merely because the petitioners are also seeking enforcement of a maintenance order passed in O.S.No.1498/2015. The amount so deposited necessarily requires to be taken into account while

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determining the aggregate maintenance liability and the amount, if any, remaining payable to the petitioners.

6. Therefore, the question is not as to whether the amount ought to have been deposited exclusively in Execution Case No.1653/2017, but whether, after giving due credit to the amount already deposited, any amount continues to remain legally due and payable under the order sought to be enforced by the petitioners. If the entire liability stands satisfied upon such adjustment, the execution proceedings cannot be permitted to continue merely on the ground that the deposit was made in another proceeding. Conversely, if any amount remains outstanding after such adjustment, the petitioners cannot be denied the right to recover the same in accordance with law.

7. In the circumstances of the present case, the deposit of Rs.6,00,000/- in Crl.Misc.No.3/2017 constitutes a relevant payment towards the maintenance liability.

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Consequently, the closure of Execution Case No.1653/2017, on the basis of the said deposit, by itself does not result in any irreversible prejudice to the petitioners. The petitioners remain at liberty to seek an appropriate determination of the amount, if any, that remains payable after giving due credit to the amounts already deposited or paid under the various proceedings.

8. It is accordingly clarified that, if on proper accounting and adjustment of the amounts paid or deposited under the different maintenance proceedings, any differential amount is found to be legally due and payable to the petitioners, they are at liberty to work out their remedies in the pending criminal miscellaneous proceedings or in such other proceedings as may be permissible in law. Such determination shall, however, necessarily take into account all amounts already paid or deposited towards maintenance, so as to avoid duplication of recovery.

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9. Viewed from this perspective, this Court finds no jurisdictional error or infirmity in the order passed by the learned Executing Court warranting interference in exercise of the extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India.

Accordingly, the writ petition stands ***dismissed***.

It is made clear that the dismissal of this petition shall not preclude the petitioners from seeking recovery of any differential amount which, upon proper adjustment of the amounts already paid or deposited, is found to be legally due and payable to them.

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(SACHIN SHANKAR MAGADUM)
JUDGE