



CNR: KAHC010320152026

NC: 2026:KHC:39633
CRP No. 452 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 452 OF 2026 (IO)

BETWEEN:

1. SHRI. RAJU M
@ MUNISWAMY Y.M
S/O LATE MALLESIAIAH
AGED ABOUT 76 YEARS
2. SHRI. MANOJ KUMAR M.P
S/O SHRI RAJU M @ MURRISWAMY Y.M
AGED ABOUT 50 YEARS
3. SMT. RENUKA KUMARI M.P
D/O SHRI RAJU M @ MUNISWAMY Y.M
AGED ABOUT 49 YEARS

ALL PETITIONERS ARE
RESIDING AT, NO.34
18TH MAIN ROAD
GOVINAYAKANAHALLI
KUMARASWAMY LAYOUT, 2ND STAGE
BENGALURU-560 078

...PETITIONERS

(BY SRI. RAGHAVENDRA R. DESAI, ADVOCATE)

AND:

1. SHRI. MUNIYAPPA E
S/O LATE EERASANDRAPPA
AGED ABOUT 57 YEARS

Digitally
signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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FALSELY CLAIMING AS IF RESIDING AT
SY. NO. 34 OF GOVINAYAKANAHALLI
UTTARAHALLI HOBLI
BENGALURU SOUTH TALUK
(ON THE UN-SUBSTANTIATED
SELF-SERVING PREMISE SAYING
'PRESENTLY B.D.A. ASSIGNED
SITE NO. 2414 AND 2415)
18TH MAIN ROAD
KUMARASWAMY LAYOUT 2ND STAGE
BENGALURU-560 078

2. SHRI. MUNIRAJA
S/O LATE EERASANDRAPPA
AGED ABOUT 60 YEARS
RESIDING AT
SY. NO. 34 OF GOVINAYAKANAHALLI
UTTARAHALLI HOBLI
BENGALURU SOUTH TALUK
(ON THE UN-SUBSTANTIATED
SELF-SERVING PREMISE SAYING
'PRESENTLY B.D.A. ASSIGNED SITE NO. 2414
AND 2415)
18TH MAIN ROAD
KUMARASWAMY LAYOUT 2ND STAGE
BENGALURU-560 078
3. SMT. YELLAMMA
D/O LATE EERASANDRAPPA
AGED ABOUT 54 YEARS
RESIDING AT SRI HARI NILAYA
NO. 47/4, S.L.N. NAGAR
BEHIND TRIMURTHY UNIT - 2
BOMMASANDRA, BENGALURU-560 009

...RESPONDENTS

THIS CRP IS FILED UNDER SECTION 115 OF CPC
PRAYING TO SET ASIDE THE ORDER DATED 08.04.2026,
PASSED ON IA NO. III IN EX. PET. NO. 238/2025 ON THE FILE



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OF THE XXV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, ALLOWED THE IA NO. III FILED U/O XXI, RULE 35(3) R/W SEC. 151 OF CPC.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 08.04.2026 passed in I.A.No.3 in Ex.No.238/2025 by the XXV Addl. City Civil & Sessions Judge (CCH No.23), the petitioners/JDRs are before this Court.

2. The respondents herein, the Decree Holders, have filed I.A.No.3 under Order XXI Rule 35(3) read with Section 151 CPC, seeking to issue a delivery warrant by breaking open the lock of the premises with the help of the jurisdiction police. The JDR has filed objections and contended that the affidavit is manifestly fraudulent and mischievous. DHR has tried to mislead the Court and has made a false and fraudulent claim of his residential address. JDR Nos.1 to 3 have been residing at the address for decades. The property number furnished is also incorrect. None of the Decree Holders have any legitimate *locus*



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standi against the JDRs. The claim of the Decree Holders is fraudulent and absolutely untenable. Since the so-called registered Will dated 21.02.1991 does not confer any legitimate right to the Decree Holders, the Decree Holders have succeeded in obtaining a favourable decree by indulging in manifest fraudulent pleadings, evidence and arguments. The averments made in the affidavit are absolutely false, and therefore, requested the Court to dismiss the application. The JDR has submitted the written arguments.

3. The Executing Court, by the impugned order, has allowed application. While allowing the application, the Executing Court observed that, in filing the written statement in O.S.No.4608/2014, the defendants have taken all the contentions now taken by them by way of objections and submissions of learned counsel. However, the Court held that the plaintiffs therein are entitled to vacant possession of the 'B' schedule property. The findings of the Court have attained finality. Therefore, at this stage, JDRs are not entitled to urge the same grounds which they have urged at the earliest point



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of time while filing the written statement, and accordingly the Executing Court has allowed the application.

4. Learned counsel appearing on behalf of the petitioner has submitted and reiterated the grounds which were already submitted before the Executing Court. It is submitted that a fraud is played and a decree is obtained and the fraud can be questioned even before the Executing Court and the Executing Court is competent to decide the same. It is the grievance that the Executing Court has failed to consider the objections and written arguments that were filed by the petitioner and had allowed the application. It is submitted that the JDR is a senior citizen and if this order is executed, it would cause lot of hardship to him. Hence, it is submitted that there may be direction to maintain *status quo* and the matter may be remanded giving him an opportunity to file all the relevant documents.

5. Having heard the counsel for the petitioner, perused the material on record. It is an undisputed fact that the respondent herein had filed a suit, which was decreed, and the execution was filed in the year 2015. Admittedly, the judgment



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and decree is not questioned by the petitioners, and the said judgment and decree has attained finality. According to the petitioner, there is fraud, and he has grounds to raise it in the execution. This Court is not able to appreciate the said submission. The petitioner wants to agitate the very same issues which were raised in the written statement, which were considered and the Court has decreed the suit. If the petitioner had carried the matter in an appeal, he could have raised those issues. In these circumstances, the Supreme Court has never laid down the law that an unsuccessful defendant can raise the very same grounds raised in the written statement in execution proceedings, alleging fraud, and the court has to consider the same. In the considered opinion of the court, the petitioner has not made out any grounds to interfere with the order passed by the Executing Court, and this Court finds no infirmity with the order passed by the court. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the Civil Revision Petition is ***dismissed.***



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- ii. All pending I.As., in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 Sl No.: 21