



CNR: KAHC010345162022

NC: 2026:KHC:41558
W.P. No.15267/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 6TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.15267/2022 (GM-CPC)

BETWEEN:

MALLIKARJUN @ MALLIKA
S/O LATE KRIYAPPA
AGED 56 YEARS
R/O GOPAL BHOSENHALLI VILLAGE
LAKKAVALLI HOBLI -577 228
TARIKERE TALUK.

...PETITIONER

(BY SRI. S.B. HALLI, ADV.,)

AND:

1. SMT. VIRUPAKSHAMMA
W/O LATE SHADAKSHARAPPA
AGED 79 YEARS.
2. SMT. PANKAJAKSHI
D/O LATE SHADAKSHARAPPA
AGED 54 YEARS.
3. SMT. PARAVATHAMMA
D/O LATE SHADAKSHARAPPA
AGED 52 YEARS.
4. VAGISH
S/O LATE SHADAKSHARAPPA
AGED 50 YEARS.

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



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5. SMT. PUSHPAVATHI
D/O LATE SHADAKSHARAPPA
AGED 47 YEARS.
6. SMT. MAHESHAWARI
D/O LATE SHADAKSHARAPPA
AGED 44 YEARS.
7. SMT. MADHUMALATHI
D/O LATE SHADAKSHARAPPA
AGED 42 YEARS.

ALL ARE R/AT BEGURU VILLAGE
AJJAMPUR HOBLI
AJJAMPURA TQ
CHIKKAMAGALURU DISTRICT-577 547.

...RESPONDENTS

(BY SRI. RAVI H.K. ADV., FOR R1 TO R7)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER PASSED BY THE LEARNED CIVIL JUDGE AND ADDL JMFC, TARIKERE IN EX.P.NO.11/2021 ON I.A.NO.1 DTD 18.7.2022 PRODUCED ANNEXURE-D TO THE WRIT PETITION & ETC.

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



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CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated 18.07.2022 passed on I.A.No.1 in Ex.No.11/2021 on the file of the Civil Judge and Additional JMFC., Tarikere (for short, '***the Executing Court***').

2. Heard Sri.S.B.Halli, learned counsel for the petitioner, Sri.Ravi H.K., learned counsel for the respondent Nos.1 to 7 and perused the material available on record.

3. Late Smt.Basamma had filed the suit in O.S.No.301/1993 against one Sri.Kariyappa and two others seeking the judgment and decree of permanent injunction restraining the defendant Nos.1 to 3, their agents, servants, legal heirs, etc., from interfering with the peaceful possession and enjoyment of the suit schedule property. The said suit came to be decreed vide judgment and decree dated 18.04.1996 by restraining the



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defendants from interfering with the plaintiff's possession over the suit schedule property. The petitioner herein was the defendant No.3 in said the suit. It is to be noticed that defendant Nos.1 and 2 have not challenged the impugned order.

4. It is to be noticed that the legal heirs of the decree holder have initiated the execution proceedings in Ex.Case No.11/2021 alleging violation of the judgment and decree of the trial Court by contending that the judgment debtors have trespassed into the suit schedule property which is in violation of the judgment and decree of injunction. Hence, they filed an application seeking a direction to the Sub-Inspector of Police, Lakkavalli Police Station to render Police help in maintaining the possession and enjoyment of the decree holder over the suit schedule property. The said application was allowed by the Executing Court under the impugned order.



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5. It is to be noticed that the respondents-decree holders are making specific assertion that in the month of June 2020 and September 2020, the judgment debtors have created *galata* and have abused the decree holders in filthy language and again on 01.02.2021, an attempt was made to trespass into the suit schedule property and the judgment debtors have created *galata* and thereafter the decree holders have approached the jurisdictional police and lodged the written complaint against the judgment debtors. However, the Police have registered the same in Non-Cognizable Register and issued an acknowledgment. The Executing Court considering the aforesaid assertion in the application, proceeded to allow the application by directing the Station House Officer, Lakkavalli Police to assist the decree holders in execution of the judgment and decree passed dated 18.04.1996 in O.S.No.301/1993.

6. The contention of the petitioner-judgment debtor is that the execution petition is not maintainable as



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the same is beyond the period of limitation and no opportunity was provided to the petitioner to file objection to the application for Police protection, has no merit consideration as the petitioner has entered appearance before the Executing Court on 09.04.2021 and the matter was adjourned to 23.08.2021 and again it was adjourned to 04.09.2021 and on the said date the petitioner could not file the objections. Admittedly, the petitioner has not filed any objections to the said application and the Executing Court, only on 18.07.2022 passed the impugned order. Nothing prevented the petitioner from filing an application seeking recall of the order dated 04.09.2021, without making any such attempt, now a ground is raised saying that no opportunity was provided to the petitioner by the Executing Court, which has no merit consideration and accordingly the petition deserves to be rejected.

7. Another contention of the petitioner-judgment debtor that the execution petition is not maintainable is also liable to be rejected as the respondents-decree



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holders have specifically pleaded that on a particular day the judgment debtors have violated the judgment and decree passed in O.S.No.301/1993 and until a violation occurred, there was no occasion for the decree holders to initiate the execution proceedings. Hence, on this count also, the petition deserves to be rejected.

8. The Executing Court, considering all the aspects, has directed the Police to render the assistance to the decree holders in execution of the judgment and decree passed in O.S.No.301/1993. I do not find any good grounds to interfere with the impugned order of the Execution Court in the present petition. The petition is devoid of merits and the same is accordingly ***rejected***.

No order as to costs.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

BSR/List No.: 1 SI No.: 27