



CNR: KAHC010429252026

NC: 2026:KHC:43752
WP No. 19501 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 19501 OF 2026 (GM-CPC)

BETWEEN:

SRI. G. K. SANNATHIMMAPPA
S/O RANGAPPA,
(SINCE DECEASED, REPRESENTED BY
HIS LEGAL REPRESENTATIVES)

1. SMT. SUNANDAMMA
W/O LATE R.G. HALESH,
AGED ABOUT 50 YEARS,
AGRICULTURIST,
R/AT SURAGONDANAKOPPA,
POST: CHINNIKATTE, NYAMATHI TALUK.

LATE KRISHNA MURTHY
S/O LATE G.K. SANNATHIMMAPPA,
(SINCE DECEASED, REPRESENTED BY
HIS LEGAL REPRESENTATIVES)

2. SMT. GEETHAMMA
W/O LATE KRISHNA MURTHY,
AGED ABOUT 42 YEARS
3. MURULI KUMAR @ MANJAPPA
S/O LATE KRISHNA MURTHY,
AGED ABOUT 22 YEARS

PETITIONER NOS. 1 TO 3 ARE
R/AT GOLLARAHALLI VILLAGE,
HONNALI TALUK – 577 217.

PETITIONERS

(BY SRI. YASHAVANTH SAJJANAGOUDAR, ADVOCATE)

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Location:
HIGH COURT
OF
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AND:

1. SMT. A. HALAPPA
S/O LAXMAPPA,
AGED ABOUT 81 YEARS,
AGRICULTURIST,
R/AT GOLLARAHALLI VILLAGE,
HONNALI TALUK – 577 217.
2. SMT. JAYAMMA
W/O NAGARAJ,
AGED ABOUT 35 YEARS
R/AT GOLLARAHALLI VILLAGE,
HONNALI TALUK – 577 217.

...RESPONDENTS

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 19/02/2026 PASSED IN EXECUTION PETITION NO. 7/2017 BY THE SENIOR CIVIL JUDGE AND JMFC, HARIHAR ON I.A.NO.7 WHICH IS AT ANNEXURE-A AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order passed on I.A.No.7 in Execution Petition No.7/2017 dated 19.02.2026 by the Senior Civil Judge and JMFC, Harihar, the judgment debtor is before this Court.

2. The judgment debtor/petitioner No.1 herein has filed a petition seeking rescission of the contract of sale dated 03.06.1992, which was dismissed by the order impugned.



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While dismissing the application, the trial Court observed that the application under Section 28 of the Specific Relief Act was filed on 20.09.2023, nearly 12 years after the date of the deposit. If the notices produced by the judgment debtors themselves are considered, a notice was issued to them by the decree holder on 08.11.2011, intimating the deposit and calling upon the original judgment debtor to execute the sale deed. In that notice, the RO number is mentioned as 080142, which is the same as stated in the letter received from the office of the Principal Senior Civil Judge and CJM, Davangere. Therefore, when the original judgment debtor was aware in the year 2011 itself of the deposit, he kept quiet without questioning the deposit for nearly 12 years, and now this application is filed for rescission of the contract. The trial Court observed that under Section 28(1) of the Specific Relief Act, when a decree for the specific performance of a contract for sale or lease of immovable property has been made and the purchaser does not, within the period allowed by the decree or such further period as the court may allow, pay the purchase money which the court had ordered him to pay, the contract may be



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rescinded on such application. However, in the case at hand, it has to be appreciated that a sum of Rs.1,50,000/- was ordered to be paid as an additional amount to the vendor in RSA.No.99/2005. The balance consideration as per the agreement was Rs.35,000/-. Though Rs.35,000/- was not deposited by the decree holder after the passing of the decree in RA.No.15/2001, the Court granted 6 weeks' time from the date of the order in RSA to deposit the sum of Rs.1,50,000/- + Rs.35,000/-. The judgment debtor has not objected to the said order made for deposit on 17.06.2011. In the affidavit sworn to in support of this application, a copy of the application filed on 03.08.2011 was served. Therefore, it appears there was no objection to the said application on that date either. According to them, there was no notice to the judgment debtor. The trial Court observed that the original judgment debtor, having knowledge of the deposit, as evidenced by the notices issued to him after the deposit, cannot contend that there was no notice of the application to him. Therefore, the deposit having been made by the decree holder within the permitted time before the Court, the judgment debtor cannot now contend that the



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deposit was not made in time and that they had no notice of the same. In this petition also, though the judgment debtor appeared in the year 2018, till the filing of the present application, no objection was raised by the judgment debtor about the deposit of the said consideration amount. The judgment debtor had kept quiet after the deposit of the amount in the year 2011 for more than 7 years till his appearance in this execution petition, with knowledge of the deposit. Therefore, the petitioner/judgment debtor has not made out a ground for allowing an application under Section 28 of the Specific Relief Act and accordingly dismissed the application.

3. Learned counsel appearing for the petitioner submits that the trial court failed to consider that the amount has not been deposited as per the orders of the court, and that the petitioner has no knowledge of the same. As such, the petitioner has sought to rescind the contract under Section 28 of the Specific Relief Act, which was not considered by the trial court and dismissed the same.

4. Having heard the learned counsel for the petitioner, perused the material on record. The Court finds that the



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amount was deposited in 2011. Before that, the decree holder sought an extension of time, which was granted by the Court, and the petitioner did not take any objection. The trial Court also recorded the notices exchanged, including the notice to the judgment debtor in 2011, and noted that the execution was filed in 2017 and the present application under Section 28 of the Specific Relief Act was filed in 2023. Considering all these aspects, the trial Court rightly observed that the amount was deposited long ago and that there are no grounds to entertain the application. In the considered opinion of the Court, the trial Court has rightly considered the application, and no interference is called for. Accordingly, this Court is passing the following:

ORDER

- i. Accordingly, the Writ Petition is ***dismissed.***
- ii. Pending IAs., in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS/List No.: 1 Sl No.: 14