



CNR: KAHC010584462023

NC: 2026:KHC:40912
WP No. 25263 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 25263 OF 2023 (GM-CPC)

BETWEEN:

SRI K B MAHESH
S/O LATE J BORELINGEGOWDA
AGED ABOUT 56 YEARS,
R/AT NO.5909, VIJAYANAGARA 2ND STAGE,
DEVARAJAMARGA
MYSURU - 570 017

...PETITIONER

(BY SMT. ARCHANA ANAND, ADVOCATE FOR
SRI. BHARGAV G., ADVOCATE)

AND:

SRI N MAHESH
S/O LATE NINGAIAH
NO.2618, 4TH CROSS,
K.G. KOPPAL,
CHAMARAJA MOHALLA,
MYSORE - 570 023.

...RESPONDENT

(BY SRI. PALLAVA R., ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECT THE
EXECUTION COURT NAMELY IV ADDITIONAL SENIOR CIVIL
JUDGE AND JMFC, MYSURU TO CONSIDER THE PRAYER OF THE

Digitally
signed by
SUNITHA K S
Location:
High Court of
Karnataka



CNR: KAHC010584462023

PETITIONER AS PER I.A.NO.3 IN THE LIGHT OF THE GROUND EXPEDITIOUSLY IN EX.NO.47/2022 AT ANNEX-C.

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

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

ORAL ORDER

This writ petition is filed seeking the following reliefs:

- "i) Issue Writ of Mandamus directing the Execution Court namely IV Additional Senior Civil Judge and JMFC, Mysuru to consider the prayer of the Petitioner as per I.A.No.3 in the light of the ground raised expeditiously in Ex.No.47/2022, at Annexure-'C'.*
- ii) Issue the Writ of certiorari or any other order quashing the order attachment of movable properties dated 30/09/2023 and passed in Ex.P.No.47/2022, pending on the file of IV Additional Senior Civil Judge and JMFC, Mysuru at Annexure-'E'.*
- iii) Pass such other writ/s or order/s which are deemed to be fit in the nature and circumstances of the above case, in the interest of justice and equity."*



CNR: KAHC010584462023

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WP No. 25263 of 2023

2. Heard Smt. Archana Anand, learned counsel appearing on behalf of Sri Bhargav G., learned counsel for the petitioner, and Sri Pallava R, learned counsel for the respondent.

3. The respondent/plaintiff had filed a suit in O.S.No.897/2016 for specific performance of contract against the petitioner herein. The said suit came to be decreed vide judgment dated 01.12.2021, directing the petitioner to refund the advance sale consideration of Rs.30,00,000/- with interest at the rate of 6% per annum from the date of suit till realisation.

4. The decree holder/respondent filed execution proceedings in Ex.No.47/2022 on the file of the IV Additional Senior Civil Judge and JMFC, Mysuru (hereinafter referred to as the 'executing Court' for short) seeking to issue attachment of movable and immovable properties warrant against the judgment debtor/petitioner. The executing Court issued the attachment order, and thereafter, the petitioner filed an application in I.A.No.3



CNR: KAHC010584462023

under Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC') seeking to recall the attachment of immovables warrant issued against the petitioner, along with police help. The executing Court rejected the said application.

5. It is to be noticed that the petitioner contends that, out of the principal amount of Rs.30,00,000/- along with interest, a sum of Rs.19,00,000/- has already been deposited or paid, and a balance amount of Rs.11,00,000/- remains to be paid. It is further contended that if three months' time is granted, the petitioner would make the payment.

6. In my considered view, such a concession cannot be granted to the petitioner by this Court under Article 227 of the Constitution of India. The decree sought to be executed is of the year 2021, and the execution is not proceeded further. No justifiable grounds are made out to interfere with the impugned order.



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WP No. 25263 of 2023

7. Accordingly, the writ petition is devoid of merits, and the same is ***rejected***.

8. In view of the dismissal of the writ petition, pending applications, if any, stand closed.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

SHS
List No.: 1 Sl No.: 15