



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 27077 OF 2025 (GM-CPC)

BETWEEN:

SRI ALLAN SUNDER RAJ
S/O LATE T.A. SUNDER RAJ
AGED ABOUT 80 YEARS
R/AT. NO. 14, MEG OFFICERS COLONY
JAI BHARATH NAGAR, BANASWADI MAIN ROAD
BENGALURU-560033

...PETITIONER

(BY SMT. RENY SEBASTIAN., ADVOCATE)

AND:

SMT. MARIAM MEERA KUMAR
W/O COL. S. KUMAR (RETD.)
AGED ABOUT 60 YEARS
R/AT NO.8/302, CARLESTON ROAD
COOKE TOWN, BENGALURU - 560005.

...RESPONDENT

(BY SRI. M ARUN PONAPPA., ADVOCATE C/RESPONDENT)

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED:11.08.2025 DIRECTING POLICE ASSISTANCE, DEMOLITION OF STRUCTURES, BREAK-OPEN OF LOCKS, AND REMOVAL OF ALLEGED OBSTRUCTIONS PASSED ON THE I.A. FILED UNDER SECTION 151 OF THE CPC BY THE RESPONDENT IN EX.P.NO. 2825/2023, ON THE FILE OF THE HONBLE IX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH-5) WHICH IS PRODUCED AS ANNEXURE-A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD



ORAL ORDER

1. In this writ petition, petitioner-Judgment Debtor has called in question the order dated 11.08.2025 passed by the IX Addl. City Civil and Sessions Judge, Bengaluru, on I.A. filed by the Decree Holder under Section 151 of CPC, in Ex.No.2825/2023, whereby the Executing Court has directed the jurisdictional police to help the Court Ameen in order to break open the lock of the gate which was put up by the Judgment Debtor, to break the blocks built up by the Judgment Debtor in the passage, to demolish the construction of wall, which was put up by the Judgment Debtor to the adjacent of the Schedule B property.

2. The plaintiff-Decree Holder (respondent herein) had filed a suit in O.S.No.6162/2017 before the Trial Court seeking for relief of permanent injunction. The suit came to be decreed vide Judgment and Decree dated 05.04.2021. The operative portion of the Decree dated 05.04.2021 reads as under:



"It is further ordered and decreed that the defendant is hereby directed to hand over 'B' schedule property forthwith to the plaintiff within three months from the date of this order (05.04.2021).

It is further ordered and decreed that in case the defendant fails to vacate the suit 'B' schedule property, the plaintiff is at liberty to recover the same by following due process of law."

3. Aggrieved by the judgment and decree passed by the Trial Court, RFA No.658/2021 came to be filed before this Court. This Court, by judgment dated 04.10.2023 dismissed the appeal by confirming the judgment and decree passed by the Trial Court. Thereafter, the Decree Holder filed an Execution Petition in Execution No.2825/2023 and also filed an application under Section 151 of CPC. After hearing the parties, the Executing Court has passed the impugned order dated 11.08.2025. Since the suit has been decreed and it has been held that the respondent/plaintiff is an exclusive owner of first floor of suit schedule property and directing delivery of possession of 'B' schedule property, the Executing Court has allowed the application filed by the Decree Holder and directed the



jurisdictional police to help the Court Ameen in order to break open the lock of the gate which was put up by the Judgment Debtor, to break the blocks built up by the Judgment Debtor in the passage, to demolish the construction of wall, which was put up by the Judgment Debtor to the adjacent of the Schedule B property.

4. Viewed from any angle, there is no error or illegality in the impugned order passed by the Executing Court. Hence, the writ petition is **dismissed**.

5. It is made clear that while Executing the decree and demolishing the wall put up by the Judgment Debtor, necessary precaution shall be taken to ensure that no damage is caused to the ground floor/property, which belongs to the Decree Holder.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE