



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.35610 OF 2025 (GM-FC)

BETWEEN:

MRS. ATHMI KAMATH,
W/O. AJITH NAYAK,
AGED ABOUT 31 YEARS,
D/O. RADHAKRISHNA KAMATH,
R/AT FLAT NO. 101, K2,
HABITAT APARTMENT,
PANDESHWARA,
ABOVE ALLAHABAD BANK,
MANGALURU- 575001.

...PETITIONER

(BY SRI. VEERENDRA KUMAR, ADVOCATE FOR
SRI. RAMA RAMACHANDRA IYER, ADVOCATE)

Digitally signed
by AASEEFA
PARV/BEN
Location: HIGH
COURT OF
KARNATAKA

AND:

MR. AJITH NAYAK,
S/O. UMESH NAYAK,
AGED ABOUT 32 YEARS,
R/AT FLAT NO.203,
UDUPI HEIGHTS, 1 CROSS ROAD,
VIDHYAGIRI LAYOUT,
NAGARBHAVI 1 PHASE,
BDA LAYOUT, NAGARBHAVI,
BENGALURU-560072.

...RESPONDENT

(NOTICE TO RESPONDENT DISPENSED WITH
V/O. DATED 10.06.2026)



THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE PROCEEDINGS IN EX. NO. 61/25 VIDE ANNEXURE-C IN THE HONBLE PRINCIPAL JUDGE, FAMILY COURT, MANGALURU UNTIL DISPOSAL OF MISCELLANEOUS FIRST APPEAL BEFORE THE HONBLE HIGH COURT OF KARNATAKA BEARING NO. 6398/25.

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

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri.Veerendra Kumar, who represents Sri.Rama Ramachandra Iyer, learned counsel on record for the petitioner.

2. This writ petition is filed seeking following reliefs:

- "I. Quash the proceedings in Ex.No.61/2025 vide Annexure-C in the Hon'ble Principal Judge, Family Court, Mangaluru until disposal of Miscellaneous First Appeal before the Hon'ble High Court of Karnataka bearing No 6398/2025.
- II. Pass such other suitable order in the interest of justice and equity."



3. Upon hearing learned counsel for the petitioner, this Court is of the view that the writ petition itself is not maintainable. Therefore, writ petition is disposed of without service of notice to the respondent.

4. Learned counsel for the petitioner submits that petitioner filed MFA No.6398/2025 challenging the judgment basing on which Ex.P.No.61/2025 came to be filed. Learned counsel states that he could not obtain an order of stay in the said case i.e., in MFA No.6398/2025. Therefore, to obtain an order of stay this writ petition is filed.

5. This Court is of the considered view that such approach of initiating separate proceedings that too by filing a writ petition when interim order could not be obtained in other proceedings cannot be appreciated. Also the relief sought for in this writ petition is to quash the proceedings in an execution petition filed until disposal of the miscellaneous first appeal such relief is bad in law and



such a relief cannot be granted even on merits. Therefore, this Court is of the view that the writ petition is not maintainable. Resultantly, the following:

ORDER

- (i) The writ petition is dismissed.
- (ii) As the writ petition is disposed of without service of notice to the respondent, the Court of Principal Judge, Family Court, Mangaluru is directed to serve copy of this order either upon learned counsel who is representing respondent or upon the respondent.
- (iii) Registry is directed to forward copy of this order to the Court of the Principal Judge, Family Court, Mangaluru.

As the writ petition is disposed of, the proceedings in I.A.No.1/2025 are closed.

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

DS
CT:TSM
List No.: 1 Sl No.: 28