



CNR: KAHC010826882025

NC: 2026:KHC:52042
WP No. 38691 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 38691 OF 2025 (GM-CPC)

BETWEEN:

1. SRI. RAJANNA
S/O. PUTTASWAMYGOWDA
AGED ABOUT 80 YEARS,
2. SMT.NINGAMMA
W/O.LATE NINGAPPA
AGED ABOUT 80 YEARS
3. SRI.RAMAKRISHNA
S/O. NINGAPPA
AGED ABOUT 55 YEARS

ALL ARE R/O HULIKAL VILLAGE,
DABBEGHATTA HOBLI,
TURUVEKERE TALUK-572227.

...PETITIONERS

(BY SRI BHARGAV G., ADVOCATE)

AND:

1. SMT. RANGAMMA
W/O LATE BASAVEGOWDA,
AGED ABOUT 65 YEARS,
2. SRI.MANJUNATHA
S/O LATE BASAVEGOWDA
AGED ABOUT 45 YEARS,

Digitally
signed by
VINUTHA B
S

Location:
High Court
of
Karnataka





CNR: KAHC010826882025

NC: 2026:KHC:52042
WP No. 38691 of 2025

3. SRI.J.H.NAGESH GOWDA
S/O JAVAREGOWDA
AGED 63 YEARS,

ALL ARE R/O.HULIKAL VILLAGE,
DABBEGHATTA HOBLI,
TURUVEKERE TALUK-572227.

...RESPONDENTS

(BY SRI. SATISH K., ADVOCATE FOR R1;
SRI P.N. MANMOHAN, ADVOCATE FOR
SRI ROHIT P BHAT, ADVOCATE FOR R2(VC);
R3 IS SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE
ORDER DATED 24/07/2025 AND 30/08/2025 PASSED BY THE
VIDE ANNEXURE-A PASSED BY THE SENIOR CIVIL JUDGE AND
JMFC, TURUVEKERE, TUMKUR IN EX. NO.7/2025.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

1. This petition is filed impugning the order dated
24.07.2025, whereby a delivery warrant was issued, directing
the judgment debtor to hand over the suit schedule property to
the decree holder.

2. The plaintiff-respondent No.2 herein filed
O.S.No.134/2000 seeking partition and separate possession,



CNR: KAHC010826882025

NC: 2026:KHC:52042
WP No. 38691 of 2025

which came to be decreed, holding that the plaintiff is entitled to a half share in the suit schedule properties and to separate possession thereof. It was further held that the alienations made by defendant No.1 in respect of item Nos.2 to 4 are not binding on the share of the plaintiff.

3. Learned counsel appearing for the petitioners submits that the petitioners purchased item Nos.2 to 4 of the suit schedule properties from defendant No.1. It is further submitted that, in FDP No.7/2014, the trial Court allotted the suit schedule properties between the plaintiff and the legal heir of defendant No.1. The trial Court, in the said FDP proceedings, allotted a half share to the plaintiff and the remaining half share to respondent No.1. It is submitted that, without considering the same, the Execution Court has issued the delivery warrant.

4. Per contra, Sri. P.N. Manmohan, learned counsel appearing for respondent No.2, submits that, in O.S.No.134/2000, the trial Court held that the plaintiff is entitled to a half share in the suit property and that the



CNR: KAHC010826882025

alienations made by defendant No.1 in respect of item Nos.2 to 4 are not binding on the plaintiff's share. The final decree came to be passed in FDP No.7/2014, allotting the shares in terms of the preliminary decree. It is submitted that, without challenging the order passed in FDP No.7/2014, it is not open to the petitioners to object to the execution proceedings by claiming rights under the sale deeds.

5. Considered the submissions made by the learned counsel for the parties.

6. Respondent No.2 filed O.S.No.134/2000 seeking partition against the husband of respondent No.1, who is the father of the plaintiff. The trial Court decreed the suit, holding that the plaintiff is entitled to a half share in the suit schedule properties and to separate possession thereof. The trial Court, having considered the alienations made by defendant No.1 and having found the same not to be bona fide, held that the alienations in respect of item Nos.2 to 4 are not binding on the share of the plaintiff.



CNR: KAHC010826882025

7. The final decree proceedings instituted pursuant to the preliminary decree resulted in the allocation of shares to the plaintiff and respondent No.1 herein in respect of the suit schedule properties. The allocation was made after hearing the petitioners herein. Though the said order was passed on 16.03.2023, the same was not challenged and has attained finality. When the said order passed in the FDP proceedings is sought to be executed in the impugned proceedings, the petitioners have objected to the issuance of the delivery warrant by claiming rights by virtue of the purchase made by them.

8. If any right has vested in the purchasers in respect of the property which is the subject matter of the preliminary decree in a partition suit, it is open to them to work out their remedy in the FDP proceedings. However, no such attempt was made. Though the petitioners herein participated in the FDP proceedings and claimed rights in respect of item Nos.2 to 4, the FDP Court categorically recorded that they would be entitled to half share of respondent No.1 in the purchased properties, in accordance with law. However, no proceedings



CNR: KAHC010826882025

NC: 2026:KHC:52042
WP No. 38691 of 2025

were initiated by the petitioners to work out or claim such rights. Accordingly, the FDP Court allotted the share in favour of respondent No.1(a), i.e., respondent No.1 herein. The said allotment of share is sought to be executed in the impugned proceedings.

9. It is a settled position of law that the Executing Court cannot go beyond the decree. When the claim to a half share in item Nos.2 to 4 was categorically denied or rejected in the FDP proceedings, and the said order has not been challenged, it is not open to the petitioners to agitate the said claim in the execution proceedings. In that view of the matter, this Court finds no error or infirmity in the order impugned.

10. Accordingly, the writ petition stands ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

VP