HC-KAR

NC: 2026:KHC:59829
WP No. 4865 of 2026

CNR: KAHC010103792026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 4865 OF 2026 (GM-CPC)

BETWEEN:

1. CHANDRAKANTHA N.S,
   S/O. LATE SIDDAGANGAIAH N.E.,
   AGED ABOUT 52 YEARS,
   RESIDING AT NO.159, 24TH CROSS,
   CHAMUNDESHWARI LAYOUT,
   GIRINAGAR, BENGALURU - 560 085.

2. SMT. MAMATHA R.P
   W/O CHANDRAKANTHA N.S
   AGED ABOUT 44 YEARS
   RESIDING AT NO.159, 24TH CROSS
   CHAMUNDESHWARI LAYOUT,
   GIRINAGAR, BENGALURU - 560 085.

Digitally signed by VIJAYA P
Location: High Court of Karnataka

3. SMT. GIRIJADEVI.B.
   W/O LATE SIDDANGAGAIAH N.E,
   AGED ABOUT 71 YEARS
   RESIDING AT NO. 233
   BHAGWAR SRI KALLSHWARASWAMY
   FILLING STATION, PATTANAYAKANAHALLI
   SIRA TALUK, TUMKUR DISTRICT - 572 135.

...PETITIONERS

(BY SRI. MURALIDHAR G.S, ADVOCATE)

AND:

M/S. ADITHYA VIVIDODESHA
SOUHARDA SAHAKARI NIYAMITHA
REP. BY ITS BRANCH MANAGER,
NO.17, 2ND FLOOR, 1ST MAIN,
6TH CROSS, THIMMAIAH ROAD,
SHIVANAGAR, RAJAJINAGAR,
BENGALURU - 560 010.

…RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 05.04.2025 IN EX. NO. 2636/2022 PASSED BY THE HONBLE XI ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-08) BANGALORE IN IA NO. 3 ON APPLICATION UNDER ORDER 21 RULE 40 OF CPC IN ANNX-A AND ETC.,

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

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

ORAL ORDER

The present writ petition impugns the order dated 05.04.2025, whereby the application filed under Order XXI Rule 40 of the Code of Civil Procedure, 1908, came to be rejected.

2. Learned counsel appearing for the petitioner submits that execution proceedings have been initiated for

recovery of a sum of Rs.12,46,300/-. It is contended that a substantial amount has already been paid by the petitioner, which has not been taken into consideration while determining the amount due under the decree. Learned counsel further submits that the Executing Court has erred in failing to account for the payments already made and that, upon duly accounting for such payments, the decretal amount would stand fully satisfied. In support of the said contention, learned counsel has drawn the attention of this Court to the bank statements and receipts issued by the decree-holder.

3. Considered the submissions made by learned counsel for the petitioner and perused the material on record.

4. The principal contention raised in the present writ petition is that, if the payments already made by the petitioner are duly taken into consideration, the decretal amount would stand satisfied, thereby rendering further execution proceedings unnecessary.

5. A prima facie examination of the documents produced along with the writ petition, particularly the bank

statements and receipts issued by the decree-holder, indicates that the payments in question were made prior to the passing of the decree. If such payments were not taken into consideration while passing the decree, it is for the petitioner to avail himself of the appropriate remedy available in law to challenge the decree or seek appropriate relief in respect of the amounts allegedly paid.

6. Payments made prior to the passing of the decree cannot, in the facts and circumstances of the present case, be sought to be adjusted in the execution proceedings by questioning the amount determined under the decree. In that view of the matter, no ground is made out for interference with the impugned order in exercise of the writ jurisdiction of this Court.

7. Accordingly, the writ petition stands dismissed.

SD/-
(K. V. ARAVIND)
JUDGE

VN/List No.: 1 Sl No.: 4