IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO.17188 OF 2024 (GM-CPC)

BETWEEN:

SURESH H
S/O HONNEGOWDA,
AGED ABOUT 50 YEARS,
R/O HALASINAMARADA DODDI,
KANAKAPURA TOWN
RAMANAGARA DISTRICT – 562 159

...PETITIONER

(BY SRI. HIREMATHAD MAHESHAIAH RUDRAYYA, ADVOCATE - ABSENT)

AND:

Digitally signed by JAI JYOTHI J
Location: HIGH COURT OF KARNATAKA

RAMANARAYANA R S
S/O SRINIVASAIAH M
AGED ABOUT 58 YEARS,
R/AT NO.12(403-A)
4TH CROSS, GOKUL,
1ST STAGE, II PHASE,
BENGALURU – 560 003

...RESPONDENT

(BY SRI. SATEESH B, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 30.09.2023 & 19.04.2024, PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC AT KANAKAPURA ON IA FILED BY THE RESPONDENT UNDER SECTION 151 OF CPC IN EX. NO.17/2019, PRODUCED AT ANNEXURE-A AND TO PASS SUCH OTHER ORDER OR

DIRECTION UNDER THE FACTS AND CIRCUMSTANCES IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: **HON'BLE MS. JUSTICE TARA VITASTA GANJU**

ORAL ORDER

1. None appears for the petitioner despite the matter being called out twice today. Multiple requests for adjournments have been sought by the petitioner. A reference is made to the orders dated 23.09.2026, 06.10.2026, 07.10.2026 and 02.11.2026, which are extracted below:

> **"23.09.2026**
>
> Interim order granted earlier is extended till the next date of hearing.
>
> List on 06.10.2026.
>
> **06.10.2026**
>
> 1. A request for an adjournment is sought by the counsel for the petitioner. It is stated that he is not prepared with the matter.
>
> 2. List on 07.10.2026.
>
> 3. Interim order granted earlier is extended till the next date of hearing.

07.10.2026

ORAL ORDER ON I.A.NO.1 OF 2025

1. When the matter was last called out on 06.10.2026, the following order was passed:

> "1. A request for an adjournment is sought by the counsel for the petitioner. It is stated that he is not prepared with the matter.
>
> 2. List on 07.10.2026.
>
> 3. Interim order granted earlier is extended till the next date of hearing."

2. Today, once again, a request for an adjournment is made by the learned counsel for the petitioner without giving any ground for the adjournment. The learned counsel for the respondent objects to the adjournment. He submits that after obtaining an interim order, the petitioner is repeatedly seeking adjournments. It is further contended by the counsel for the respondent that an amount of Rs.22,00,000/- is outstanding as on date. However, in view of the pendency of the stay before this Court, the Executing Court is unable to proceed.

3. A reflection of the order sheet shows that the petitioner has sought for an adjournment on multiple occasions.

4. The challenge in the present petition is to the order dated 19.04.2024 passed by the learned Senior Civil Judge & JMFC, Kanakapura on I.A. in Ex.No.17/2019. By the Impugned Order, the Trial Court had reissued warrant for attachment of the immovable property. When the matter was listed before this Court on 05.02.2025, after hearing the parties, this Court has granted an interim stay of proceedings subject to deposit of Rs.5,00,000/-. The order is set out below:

> "Learned counsel for the petitioner has filed the copy of I.As.
>
> Office objection is over ruled.

Heard.

Issue notice to respondent.

Stay of further proceedings in Ex.No.17/2019 pending on the file of Senior Civil Judge and JMFC, Kanakapura, till the next date of hearing, subject to condition that the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) before the Executing Court on or before 13.02.2025."

5. The Court has even today asked the counsel for the petitioner to make submissions. However, he submits that he is unable to do so and requests for another adjournment.

6. Given the fact that the stay order is now pending for almost 2 years and despite giving several dates the matter is not being argued by the Petitioner, this Court deems it apposite to vacate the stay that was previously granted.

7. Accordingly, the stay granted is vacated. I.A.No.1/2025 is disposed of in the above terms.

8. The Trial Court is directed to proceed with the matter.

9. List this matter for hearing on 02.11.2026. The date has been given with the consent of the learned counsel for the petitioner.

02.11.2026

1. On the last date of hearing, a detailed order was passed directing to list the matter for Hearing today. The date was given at the request of the learned counsel for the petitioner.

2. Today again, he seeks for an adjournment. Thereafter, he asks for time to place on record the application which is the subject matter of challenge in this present petition.

3. Learned counsel for the respondent objects to the adjournment and draws attention of this court to paragraph No.2 of order dated 07.10.2026.

4. At the request of the learned counsel for the petitioner, list on 04.11.2026.

2. From the aforegoing, it is clear that the petitioner is not interested in prosecuting this matter.

3. The petition is accordingly ***dismissed in default and for non-prosecution.***

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

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List No.: 1 Sl No.: 42