HC-KAR

NC: 2026:KHC:63038-DB
CCC No. 2441 of 2018

CNR: KAHC010521922018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

CIVIL CONTEMPT PETITION NO. 2441 OF 2018

BETWEEN:

1. VASANTH KUMAR
S/O LATE R MUNISWAMAIAH @ MARIYAPPA
AGED ABOUT 54 YEARS,
NO.826, 4TH CROSS, C K NAGAR,
ELECTRONIC CITY POST, BENGALURU-100.

2. SRI. KRISHNA PRASAD KUMAR @ RAVI S M
S/O LATE R MUNISWAMAIAH @ MARIYAPPA
AGED ABOUT 45 YEARS,
NO.826, 4TH CROSS, C K NAGAR,
ELECTRONIC CITY POST, BENGALURU-100.

3. SRI. HARISH @ HARIPRASAD S M
S/O LATE R MUNISWAMAIAH @ MARIYAPPA
AGED ABOUT 42 YEARS,
NO.826, 4TH CROSS, C K NAGAR,
ELECTRONIC CITY POST, BENGALURU-100.

Digitally signed by B VEENA KUMARI
Location: HIGH COURT OF KARNATAKA

4. SRI. MADHU
S/O LATE R MUNISWAMAIAH @ MARIYAPPA
AGED ABOUT 39 YEARS,
NO.826, 4TH CROSS, C K NAGAR,
ELECTRONIC CITY POST, BENGALURU-100.

5. SRI. VASU
S/O LATE R MUNISWAMAIAH @ MARIYAPPA
AGED ABOUT 33 YEARS,
NO.826, 4TH CROSS, C K NAGAR,
ELECTRONIC CITY POST, BENGALURU-100.

6. SMT. MUNIRATHNA
W/O GANESH BABU
AGED ABOUT 56 YEARS,

CNR: KAHC010521922018

R/AT #780, 7TH CROSS, C K NAGAR,
ELECTRONIC CITY POST, BANGALORE-100.

...COMPLAINANTS

(BY SRI. RAJENDRA DESAI.,ADVOCATE)

AND:

SRI. S N MAHADEV
S/O LATE NAGAPPA
AGED ABOUT 54 YEARS
R/AT NO.207, 2ND MAIN ROAD, HOSUR ROAD
SINGASANDRA BENGALURU-560 068.

...ACCUSED

(BY SRI. SIDHARTH SUMAN, ADVOCATE FOR A2;
V.C.O DATED 16.07.19, A1,A3 & A4 ARE DELETED;
V.C.O DATED 04.11.2026,
SIDDHARTH SUMAN ACCEPT NOTICE ON BEHALF OF
BENEFICIARY RAGHUNATH M)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, R/W ARTICLE 215 OF THE CONSTITUTION OF INDIA, 1950 PRAYING TO INITIATE NECESSARY CONTEMPT PROCEEDINGS AGAINST THE ACCUSED AND PUNISH THEM SUITABLY FOR THEIR WILLFUL VIOLATION F THE DIRECTIONS AS PER THE ORDERS DATED 12.10.2018 OF THIS HON'BLE COURT PASSED IN MFA NO.9269/2013 VIDE ANNEXURE-D.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
AND
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN)

The present contempt petition has been filed complaining of the non-compliance/willful disobedience or

the order dated 12.10.2018 passed by this Court in M.F.A. No.9269/2013.

2. This Court directed the parties to maintain *status quo* in respect of the suit schedule property as per the orders passed by the Supreme Court and directed the trial Court to make all its endeavour to dispose of the suit within a period of six months from the date of receipt of the copy of the order. O.S.No.10406/2005 has been decreed in favour of the plaintiffs. The complainants as well as alleged contemnors were the defendants in the suit. Against the judgment and decree passed by the trial Court, the parties are in appeal in RFA No.1740/2020. It appears that in RFA there is an interim order restraining all the parties not to alienate the suit schedule property.

3. The contempt petition has been filed alleging that despite the order of the *status quo* granted by this Court, the contemnors had put up some construction and have alienated the property.

4. On the last date of hearing i.e., on 04.11.2026 we had passed the following order:

> *"Learned counsel for the contemnor submits that the construction as pointed out in the affidavit dated 25.06.2026 of the complainant has not been put up by the contemnors/accused or the beneficiary of the agreement to sell dated 27.08.2018 in favour of one Raghunath M., S/o Munibyarappa. It is further submitted that if there is any construction it is by the complainant side itself and neither the accused nor the beneficiary of the agreement dated 27.08.2018 i.e. Sri. Raghunath M. would raise any objection in case the structure which has come up on the land in question is demolished. He further submits that the accused will file the affidavit to that extent stating specifically that he has no objection if the structure put up on the land in question is demolished.*
>
> *2. It is further stated that the agreement to sell dated 27.08.2018 has been cancelled vide the cancellation deed dated 23.09.2026 and the deed of cancellation dated 23.09.2026 is placed on record and the contemnor/accused has tendered unconditional apology.*
>
> *3. Learned counsel for the contemnor/accused further submits that he will file an affidavit of contemnor as stated above within two days from today.*
>
> *4. He further submitted that the undertaking on the affidavit of Sri. Raghunath M. will also be filed stating that he has no objection of demolishing the structure which has been put up on the land in question.*
>
> *5. Issue notice to Sri. Raghunath M., S/o. Sri. Munibyrappa, aged about 44 years, residing at No. 66, next to Manipal County, Singasandra, Begur Road, Bangalore - 560068.*

6. The notice on behalf of Sri. Raghunath M., has been accepted by learned counsel Sri. Siddharth Suman.

7. In addition, emergent notice is also be issued to Sri. Raghunath M., - beneficiary.

8. The record of the Electric meters granted to Sri. Raghunath M., as stated in the affidavit dated 25.06.2019 be placed on record before the next date of posting by Sri. Raghunath M.

9. Both the accused, and Sri. Raghuram M. - beneficiary shall remain present on the next date of posting.

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10. Notice on behalf of accused No.2 has been accepted by learned counsel Sri. Siddharth Suman.

11. Issue emergent notice to contemnor/accused No.1.

Post these petitions on 16.11.2026."

5. In pursuance to the said order, an affidavit dated 06.11.2026 has been filed by Sri. S.N. Mahadev, accused No.2. It has been explicitly stated in paragraph No.8 that neither he nor Sri. Raghunath M., have put up any construction over the said property and he would not have any objection if, any existing structure is demolished in compliance of the judgment and decree passed by the

learned trial Court. Accused No.2 has unequivocally submitted in his cross-examination conducted on 25.06.2026 that no construction has been put up on the subject property. He further stated that the agreement to sell executed in favour of Sri. Raghunath M., dated 27.08.2018 was on bonafide belief that mere execution of the agreement of sale without execution of sale deed or transfer of ownership would not amount to creation of third party rights in respect of the subject property or violate the order passed by the Supreme Court or by this Court and he had no intention whatsoever to circumvent or disobey the orders passed by the Courts. Further, the said agreement dated 27.08.2018, stands cancelled vide cancellation agreement dated 23.09.2026 and therefore, the contempt committed, if any, by accused No.2 stands purged.

6. The said agreement canceling the agreement dated 27.08.2018 in favour of Sri. Raghunath M., has been placed on record.

7. Considering the aforesaid submissions we are of the considered view that if the contemnor has purged the contempt by canceling the agreement of sale dated 27.08.2018 and has specifically stated that neither he nor Sri. Raghunath M., would have any objection if, any construction put up on the suit schedule property is demolished in execution of the judgment and decree, the contempt petition is no longer survives. Therefore, we close this contempt petition.

Contempt notice stands discharged.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

BVK
List No.: 2 Sl No.: 10