HC-KAR
CNR: KAHC010668652026

NC: 2026:KHC:60193
WP No. 30604 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 30604 OF 2026 (GM-CON)

BETWEEN:

DALE FERNANDEZ
S/O. SRI CANDID THEODORE FERNANDEZ,
AGED ABOUT 35 YEARS,
RESIDING AT FLAT NO. A1,
DZIRE, NEW NO.24,
3RD A CROSS, KACHARAKANNAHALLI,
HRBR LAYOUT,
BENGALURU 560084.
REPRESENTED HEREIN BY HIS
DULY CONSTITUTED SPA HOLDER.

MS. LAVON DONATUS FERNANDEZ,
D/O. SRI CANDID THEODORE FERNANDEZ,
AGED ABOUT 33 YEARS,
RESIDING AT FLAT NO. A1, DZIRE,
NEW NO.24, 3RD A CROSS,
KACHARAKANNAHALLI,
HRBR LAYOUT, BENGALURU 560084.

...PETITIONERS

(BY SRI. KAPIL DIXIT.,ADVOCATE)

AND:

1. THE BENGALURU 1ST AND RURAL
ADDITIONAL DISTRICT CONSUMER
DISPUTES REDRESSAL COMMISSION

B M T C BUKS STAND SHANTHINAGAR
BENGALURU 560027
REP BY ITS REGISTRAR

2. THE STATE OF KARNATAKA
THE STATION HOUSE OFFICER,
MARATHAHALLI POLICE STATION,
BENGALURU 560037.
REPRESENTED BY THE HIGH COURT
GOVERNMENT PLEADER,
HIGH COURT OF KARNATAKA,
BENGALURU 560001

M/S UNITED INC
A PARTNERSHIP FIRM
HAVING ITS OFFICE AT NO. B -6
1ST FLOOR SILVER SPRINGS LAYOUT
SPICE GARDEN MARATHAHALLI
BENGALURU 560037
REP BY ITS MANAGING PARTNERS

3. MR ANWAR SHARIFF
S/O SRI ABDUKL SATTAR
AGED ABOUT 65 YEARS
MOBILE NO 919900656830

4. MR SALMAN SHARIFF
S/O SRI ABDULL SATTAR
AGED ABOUT 32 YEARS

5. MR S DAMODARAM
S/O SRI S CHINNASWAMY NAIDU
AGED ABOUT 44 YEARS
MOBILE NO 9353447795
9448088874

6. MR. B. SURESH KUMAR,
S/O. SRI B. SREERAMULU NAIDU,
AGED ABOUT 35 YEARS,
MOBILE NO. 988607559.

…RESPONDENTS

(BY SRI. HARISHA A S, AGA FOR R1 & R2)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION IN THE NATURE OF A WRIT OF MANDAMUS DIRECTING RESPONDENT NO.1 TO TAKE UP AND PROCEED WITH EA NO. 12/2025 (PRESENT AS ANNEXURE-D ARISING OUT OF THE FINAL ORDER DATED 22.11.2023 (PRESENT AS ANNEXURE-A) PASSED BY THE BENGALURU 1ST AND RURAL ADDITIONAL DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION IN CONSUMER COMPLAINT NO.254/2022 (PRESENT AS ANNEXURE B), EXPEDITIOUSLY TO BRING THE EXECUTION PROCEEDINGS TO THEIR CONCLUSION WITHIN SUCH TIME AS MAY BE FIXED BY THIS HONBLE COURT.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present petition is filed seeking for the following reliefs:

> *(a) Issue an appropriate writ, order or direction in the nature of a writ of mandamus directing Respondent No.1 to take up and proceed with E.A. No.12/2025 (present as ANNEXURE D) arising out of the final order*

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dated 22.11.2023 (present as ANNEXURE - A) passed by the Bengaluru 1st & Rural Additional District Consumer Disputes Redressal Commission in Consumer Complaint No.254/2022 (present as ANNEXURE B), expeditiously to bring the execution proceedings to their conclusion within such time as may be fixed by this Hon'ble Court;

(b) Direct Respondent No.1 to take all such further and effective steps as are permissible in law for enforcement and realization of the decretal amount, including the modes of execution available under Section 71 of the Consumer Protection Act, 2019 read with the applicable provisions of Order XXI of the Code of Civil Procedure, 1908;

(c) Direct Respondent No.1 to consider and take appropriate steps, in accordance with law, for disclosure of the assets, bank accounts, movable and immovable properties, receivables and other attachable assets of the Judgment Debtors and, in particular, to consider the attachment of the bank account particulars of Respondent No.6/Judgment Debtor No.4, namely Bank Account No. 0152 0154 8617, subject to verification and compliance with the procedure prescribed by law, and thereafter to take appropriate steps for attachment and realization thereof in accordance with law;

(d) Direct Respondent No.1, in the event of continued non-compliance and failure of the Respondent Nos. 3-6/Judgment Debtors to satisfy the final order, to consider and take such procedural and coercive measures as are permissible in law, including disclosure of assets, attachment and sale of attachable properties, attachment of debts, receivables and monies payable to the Judgment Debtors, and such other coercive process as may be warranted upon the facts and circumstances of the case and in accordance with the procedure prescribed by law;

(e) Direct Respondent No.1 to obtain appropriate police assistance, including from Respondent No.2, for effective service and implementation of orders in the execution proceedings, and to consider the mobile contact particulars of the Judgment Debtors furnished

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by the Petitioner for facilitating such service, in accordance with law.;

(f) Direct Respondent No.1 to submit a compliance/status report before this Hon'ble Court, if this Hon'ble Court deems it appropriate, indicating the steps taken towards effective execution and realization of the decretal amount;

(g) Pass such other order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the present case, in the interest of justice and equity. "

2. The petitioner is the complainant in Consumer Complaint No.254/2022, and the said proceedings having culminated in the final order dated 22.11.2023 (Annexure-A to the writ petition) passed by the Bangalore I Additional District Consumer Disputes Redressal Commission, Shanthinagar, Bangalore[1], the petitioner filed Execution Application No.24/2024 before the District Consumer Commission.

3. It is forthcoming that on 12.11.2024, the said execution proceedings was adjourned for recording the sworn statement of the complainant by 06.12.2024. However, on 06.12.2024, on the request made on behalf of the petitioner for taking steps, the execution proceedings were adjourned to 03.01.2025. Thereafter, since both the parties were absent, the

[1] Hereinafter referred to as District Consumer Commission

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matter was adjourned to 30.01.2025 for steps as a last chance. Subsequently, on 30.01.2025, since the petitioner was absent and there was no representation on behalf of the petitioner, the said execution proceedings was closed.

4. It is the submission of the learned counsel for the petitioner that the date of hearing was erroneously recorded and hence, there was no representation on behalf of the petitioner. However, there is no material on record to indicate the same.

5. It is further forthcoming that the petitioner has subsequently filed Execution Case No.12/2025 (Annexure-D to the writ petition) before the District Consumer Commission and the same is stated to be pending consideration.

6. In view of the fact that the petitioner has once again initiated execution proceedings under the provisions of the Consumer Protection Act, 2019, the petitioner is to prosecute the same in terms of the provisions of the said Act.

7. Having regard to the aforementioned factual matrix, the question of entertaining the present petition under Article

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226 of the Constitution of India does not arise. Accordingly, the writ petition is dismissed.

8. Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE

Vmb
List No.: 1 Sl No.: 9