HC-KAR

NC: 2026:KHC:59613
WP No. 32784 of 2026

CNR: KAHC010710972026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 32784 OF 2026 (GM-CPC)

BETWEEN:

1. BASAVALINGAPPA
   S/O LATE RAMAPPA,
   AGED ABOUT 71 YEARS,

2. Y B CHANNAPPA
   S/O BASAVALINGAPPA
   AGED ABOUT 46 YEARS,

3. B SRINIVAS,
   S/O BASAVALINGAPPA
   AGED ABOUT 43 YEARS,

   ALL ARE RESIDING AT,
   YANGUMBA VILLAGE, HARADANHALLI HOBLI,
   CHAMARAJANAGAR TALUK-571127.

...PETITIONERS

(BY SRI. H.N. VENKATESHA, ADVOCATE)

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

AND:

MAHADEVAPRASAD
S/O MADAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT HARAVE VILLAGE,

HARAVE HOBLI,
CHAMARAJANAGAR TALUK-571128.

…RESPONDENT

(VIDE ORDER DATED 27.10.2026 NOTICE TO RESPONDENT IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI BY QUASHING THE ORDER DATED 03.08.2026, PASSED BY THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC CHAMARAJANAGARA IN EXECUTION PETITION NO.32/2026, VIDE ANNEXURE-E AS ERRONEOUS, ARBITRARY AND OPPOSED TO LAW.

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 petition is filed impugning the order dated 03.08.2026, whereby the Executing Court ordered the issuance of an attachment warrant in respect of the suit schedule property.

2. Learned counsel for the petitioners submits that the decree forming the subject matter of the execution proceedings has been challenged in R.F.A. No.2490/2025. It is further submitted that, in view of the amendment requiring the

transfer of the first appeal to the District Court, the petitioners are unable to seek interim relief in the pending appeal. In the absence of an available forum to seek interim protection, it is contended that the operation of the impugned order warrants a stay.

3. Considered the submissions made by the learned counsel for the petitioner and perused the impugned order.

4. The impugned order is confined to the issuance of an attachment warrant in respect of the suit schedule property. The Executing Court has taken note of the pendency of R.F.A. No.2490/2025 and has granted a further period of 15 days to enable the petitioners to seek appropriate orders in the appeal.

5. In the circumstances, it would suffice to direct the Executing Court not to precipitate further proceedings pursuant to the attachment warrant for a period of two months, thereby enabling the petitioners to seek appropriate interim relief in the pending appeal.

6. Having regard to the limited nature of the interference, issuance of notice to the respondents is dispensed with.

With the above observations and directions, the writ petition stands ***disposed of***.

SD/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 24