HC-KAR

NC: 2026:KHC:62460
WP No. 33087 of 2026

CNR: KAHC010720082026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 33087 OF 2026 (GM-CPC)

BETWEEN:

SMT. SADAMMA
W/O CHANNARAYAPPA
AGED ABOUT 63 YEARS
R/AT. K.R.EXTENSION,
CHINTHAMANI CITY
CHIKKABALLAPURA DISTRICT - 563 125.

...PETITIONER

(BY SRI. GANGI REDDY, ADVOCATE)

AND:

T. A. AKARSH
S/O LATE T.R. AMARNATH
AGED ABOUT 33 YEARS
R/AT. C/O RAVI FLAT NO.9
SAI NILAYA APARTMENTS
13TH MAIN ROAD, 17TH CROSS
5TH PHASE, J.P.NAGAR
BENGALURU SOUTH
BENGALURU - 560 078.

...RESPONDENT

(BY SRI. A. SAMPATH, ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE

RECORDS IN RA.NO. 31/2026 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC AT CHINTHAMANI. A) QUASHING THE ORDER DATED 01- 10-2026 ON IA NO. LIN RA.NO.31/2026 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT CHINTHAMANI IN OS.NO.68/2019 (ANNEXURE-G) 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 01.10.2026, whereby the application filed under Order XLI Rule 5 of the Code of Civil Procedure, 1908, seeking stay of the operation of the judgment and decree passed in O.S. No.68/2019, came to be rejected.

2. Learned counsel appearing for the petitioner submits that the judgment and decree, which are the subject matter of the appeal, are executable and that an execution petition has already been instituted. It is contended that, unless the operation of the judgment and decree is stayed, the petitioner would be dispossessed from the suit schedule property, thereby rendering the pending appeal infructuous.

2.1 It is further submitted that, pursuant to the judgment and decree under appeal, the decree-holder has initiated steps to seek disconnection of the electricity supply to the suit schedule property. Learned counsel, therefore, submits that the petitioner's possession of the suit schedule property requires to be protected pending consideration of the first appeal.

3. *Per contra*, learned counsel appearing for the respondent submits that, in the event this Court is inclined to grant an order staying the execution of the decree, having regard to the fact that the suit was instituted in the year 2019, the first appeal requires to be considered and disposed of expeditiously.

4. I have considered the submissions made by learned counsel for the parties and perused the material on record.

5. The judgment and decree passed in O.S. No.68/2019, which are the subject matter of R.A. No.31/2026, are undoubtedly executable. It is also not in dispute that an execution petition has been instituted pursuant to the said judgment and decree. Pending adjudication of the appeal challenging the judgment and decree, the petitioner's

possession of the suit schedule property requires to be protected, subject to the conditions imposed herein.

6. It is also relevant to note that the First Appellate Court, while passing the impugned order, has observed that expeditious disposal of the appeal could be considered. Having regard to the nature of the dispute and the apprehension of dispossession expressed by the petitioner, this Court is of the view that the ends of justice would be met by granting interim protection, coupled with a direction for time-bound disposal of the appeal.

7. In that view of the matter, the following :

O R D E R

I. The writ petition is ***allowed in part***.

II. The impugned order dated 01.10.2026 is hereby ***set aside***.

III. The application filed by the petitioner under Order XLI Rule 5 of CPC before the First Appellate Court stands ***allowed***.

IV. The operation and execution of the judgment and decree dated 17.08.2026 passed by the I Additional Civil Judge and JMFC, Chintamani, in O.S. No.68/2019 shall remain ***stayed*** pending disposal of R.A. No.31/2026.

V. The First Appellate Court is directed to expedite the hearing and disposal of R.A. No.31/2026, preferably within an outer limit of four months from the date of receipt of a copy of this order.

VI. A copy of this order shall be placed before the First Appellate Court for compliance.

Sd/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 1 Sl No.: 11