HC-KAR

NC: 2026:KHC:60100
RP No. 520 of 2025

CNR: KAHC010759552025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

REVIEW PETITION NO. 520 OF 2025

BETWEEN:

SRI YATHISH
AGED ABOUT 49 YEARS
S/O. LATE SRI RANGEGOWDA
RESIDING AT NO.1141, "SATVYA"
SMV LAYOUT, 6TH BLOCK
ULLAL UPANAGARA
BENGALURU - 560 091.

...PETITIONER

(BY SRI K.S. GANESHA, ADVOCATE)

AND:

SRI HARISHA R.
AGED ABOUT 51 YEARS
S/O. LATE SRI RANGEGOWDA T.
RESIDING AT
"SRI RANGANATHA NILAYA"
NO.2165, 4TH CROSS
COLLEGE ROAD
RAKSHANAPURAM
HASSAN - 573 201.

...RESPONDENT

(BY SRI PALLAVA R., ADVOCATE)

Digitally signed by VINUTHA M
Location: HIGH COURT OF KARNATAKA

THIS REVIEW PETITION IS FILED UNDER ORDER XLVII RULE 1 OF CPC, PRAYING TO REVIEW THE ORDER DATED 16.10.2025 PASSED IN W.P.NO.25175/2025, SPECIFICALLY WITH RESPECT TO THE DIRECTIONS CONTAINED IN PARAGRAPHS 3 AND 4 OF THE OPERATIVE PORTION OF THE ORDER.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

The present review petition is filed by the review petitioner, who was the respondent in writ petition, to review the order dated 16.10.2025 passed in Writ Petition No.25175/2025, specifically with respect to the directions contained in paragraphs 3 an 4 of the operative portion of the order.

2. I have heard learned counsel for the review petitioner.

3. In paragraph-9 of the order passed in the writ petition, this Court observed that the Misc. Petition No.15/2025 having been filed seeking to set aside the compromise decree in O.S.No.601/2024 and since the same is pending, the petitioner can adjudicate the matter before the Civil Court in Misc. No.15/2025. However, in the operative portion of the order at (3) and (4), this

Court ordered that the respondent shall not proceed further in Ex.No.47/2005 and the execution proceedings shall be stayed till the outcome of Misc. No.15/2025. This is an error apparent on the face of the record.

4. Since the miscellaneous petition is pending, the application, if any filed by the petitioner for any interim order could be considered by the said miscellaneous Court with regard to stay of the proceedings in the execution petition.

5. It is contended that taking advantage of the said order, the petitioner has been prolonging and dragging the miscellaneous proceedings without taking any steps to bring the same to a logical conclusion, due to which the execution petition is stalled infinitely.

6. In view of the above, the writ petition requires to be revived and point Nos.3 and 4 of the operative portion of the order would have to modified and in its place, the

following point shall be incorporated by re-numbering the points in the operative portion suitably.

ORAL ORDER

i. The review petition is ***allowed***;

ii. The writ petition is revived and taken on board for consideration.

iii. Operative portion of the writ petition order is modified as under:

> *"3. The trial Court in Misc.No.15/2025 shall consider the application for stay filed by the petitioner within a period of 30 days from the date of receipt of copy of this order."*

iv. The Execution proceedings shall not be proceeded for a period of 30 days from the date of receipt of copy of this order. Thereafter, execution petition shall be proceeded.

v. Both parties are directed to proceed with the matter and the trial Court shall dispose of the miscellaneous petition expeditiously.

Order is modified accordingly.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

CPN
List No.: 1 Sl No.: 53