

**IN THE COURT OF V ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE AT BENGALURU**

Dated this the 8th day of October 2025

Present : **SRI.VEDAMOORTHY B.S.**, B.A.(L)., LL.B.,
XXXI Addl. City Civil & Sessions Judge, Bengaluru (CCH-14)
C/c V Addl. City Civil & Sessions Judge, Bengaluru (CCH-13)

Ex.No.1117/2017

DECREE HOLDER : Smt.R.Gangamma.

V/s

JUDGMENT DEBTORS : Mr Narayansa & another.

i.	Provision under which the applications are filed	I.A.No.IV - Order XXI Rule 38 of the Code of the Civil Procedure. I.A.No.V - Order XXI Rule 36 of the Code of the Civil Procedure.
ii.	Relief sought for	To issue warrant for arrest of judgment debtors No.1 to 5 for their failure to pay the decree amount to the decree holder and to issue warrant for delivery of possession of the petition schedule properties against judgment debtors No.1 to 5.
iii.	The date on which the applications are filed	25.04.2025
iv.	Number of the application	I.A.No.IV and I.A.No.V
v.	The date on which the objections are filed by different opponents	Not filed
vi.	The date on which the orders	08.10.2025

	were passed on the said application	
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ORDERS ON I.A.No.IV AND I.A.No.V AND MEMO OF CALCULATION

The decree holder has filed I.A.No.IV under Order XXI Rule 38 of the Code of Civil Procedure and I.A.No.V under Order XXI Rule 36 of the Code of Civil Procedure seeking an order to issue warrant for arrest of judgment debtors No.1 to 5 for their failure to pay the decree amount to the decree holder and to issue warrant for delivery of possession of the petition schedule properties against judgment debtors No.1 to 5.

2. In support of I.A.No.IV and I.A.No.V, the decree holder has filed her affidavits. The decree holder has also filed Memo of Calculation stating that judgment debtors No.1 to 5 are liable to pay total amount of Rs.12,62,600/- to the decree holder.

3. The judgment debtors have not filed objections to I.A.No.IV and I.A.No.V and the Memo of Calculation.

4. Heard the learned Counsel for the decree holder on I.A.No.IV and I.A.No.V and Memo of Calculation. Perused the materials available on record.

5. The following point that has been arisen for my consideration:

Whether the decree holder has shown sufficient reasons to issue warrant for arrest against judgment debtors No.1 to 5 and for delivery of possession of the petition schedule properties ? If so, what order?

6. My answer to the above point is partly in the Affirmative for the following:

REASONS

7. The decree holder has filed this Execution Petition for execution of the decree dated 08.09.2016 passed in O.S.No.3084/2013. The executable decree are reads as follows :-

1. The defendants are directed to vacate and hand over the vacant possession of the suit schedule property within 6 months from the date of this order.

2. Consequently, defendants No.1 to 5 are jointly and severally liable to pay Rs.1,80,000/- damages along with 18% p.a. interest from the date of suit till realization.
3. Defendants No.1 to 5 are also liable to pay the damages from the date of suit till they vacate the premises at the rate of Rs.5,000/- per month.
8. In the affidavits filed by decree holder in support of I.A.No.IV and I.A.No.V, she has stated that defendants No.1 to 5 have not complied with the decree and to enforce the above decree, the process as prayed in I.A.No.IV and I.A.No.V are required.
9. It appears that defendants No.1 to 5 have not complied with the above decree. Therefore, to execute the decree of recovery of possession of the application schedule properties, it requires to issue delivery warrant against judgment debtors No.1 to 5 as prayed in I.A.No.V.
10. Upon calculating the damages in terms of the decree, judgment debtors No.1 to 5 are liable to pay Rs.12,62,600/- as calculated by the decree holder in the Memo of Calculation. The payment of damages in terms of

the decree is money decree and there is prohibition under Section 56 of the Code of Civil Procedure for arrest or detention of women in execution of decree for money, the prayer sought in I.A.No.IV cannot be granted against judgment debtors No.2, 4 and 5. Judgment debtors No.2, 4 and 5 are women. Hence, I answer the above point partly in the Affirmative. In the result, I proceed to pass the following :

ORDERS

I.A.No.IV filed by the decree holder under Order XXI Rule 38 of the Code of Civil Procedure is hereby partly allowed.

I.A.No.V filed by the decree holder under Order XXI Rule 36 of the Code of Civil Procedure is hereby allowed.

Issue delivery warrant against judgment debtors No.1 to 5 to take delivery of the application schedule properties from judgment debtors No.1 to 5 if the process is furnished.

Issue arrest warrant against judgment debtors No.1 and 3 for claim of amount of Rs.12,62,600/- if the process is furnished.

No order as to cost.

(Typed by the stenographer in Court Computer on my direct dictation, printout taken, corrected and then pronounced by me in the open court today on this the 8th day of October 2025).

(VEDAMOORTHY B.S.)

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.

C/c V Addl. City Civil & Sessions Judge,
Bengaluru.