



**IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC
AT N.R.PURA, ITINERATE AT KOPPA**

Present: Sri Raghunatha Gowda K.T., B.Com.,L.L.B,
Senior Civil Judge & JMFC., N.R.Pura, Itinerate at Koppa.

Dated this the 25th day of July, 2025

Ex. No.116/2023

Decree Holder : The Managing Director/
The Chikkamagaluru District Co-
operative Central Bank,
R.G. Road, Chikkamagaluru.

(By Sri D.R.C., Advocate)

V/s

- Judgment Debtors :**
1. Sri E.S. Dharmappa,
S/o Sheshappagowda,
President TCS Koppa,
R/o Echaliblylu, Bandigadi,
Koppa, Chikkamagaluru Dist.,
 2. Sri Venkataram,
S/o Nanjunda Bhat,
Vice President TCS Koppa,
R/o Hullimakki, Koppa Taluk.
 3. Sri G.R. Vishwanath,
S/o Ramannagowda,
Managing Director TCS Koppa,
R/o Gumata, Shedgar Post,



Thirthahalli Post,
Shimogga Dist.,

4. Smt. Arathi,
Director TCS Koppa,
R/o Indira Nagara,
Ashraya Badavane, Koppa.
5. Sri Ramesh,
S/o Y. Kattappagowda,
Director TCS Koppa,
R/o Indira Nagara,
Ashraya Badavane, Koppa.
6. Sri Kattgowda,
S/o Chinnegowda,
Director TCS Koppa,
R/o Alehalli, Megaramakki,
N.R.Pura Taluk.
7. Sri Vijayakumar,
S/o Sanjeeva,
Director TCS Koppa,
R/o Kattinamane, Kanuru,
N.R.Pura Taluk.
8. Smt. Shobha,
W/o Krishnamurthy,
Director TCS Koppa,
R/o Gayathri Nagara, Koppa.
9. Sri Suresha R.,
S/o Rangappa,
Director TCS Koppa,



R/o Andagar, Koppa Taluk.

10. Sri Jagadish B.C.,
S/o Chinnappagowda,
Director TCS Koppa,
R/o Bengilu, Niluvagilu,
Koppa Taluk.
11. Sri Ravindra K.S.,
S/o Suranayak,
Director TCS Koppa,
R/o Sugodu, Hosanagara,
Hosanagara Taluk,
Shivamogga District.

Applicant/Objector : M/s. Shriram Finance Co. Ltd.,
A Public Limited Company having
its registered office 3rd Floor,
Mookambika Complex, Lady Desika
Road, Mylapore, Cheenai having
its one of branch office at
Kamandala Ganapathi Vanijya
Complex, SVT Road, Behind Police
Station, Koppa – 577 126
represented by its GPA holder
Sri. Kantharaju, S/o. Ramegowda.

(Jdr No.1 represented by Sri M.N.S., Advocate, Jdr No.2 to
11 represented by Sri M.H.N., Advocate, Objector
represented by Sri HNV, Advocate)

**I.A. No.III**

Applicant/Objector : M/s. Shriram Finance Co. Ltd.,
A Public Limited Company having
its registered office 3rd Floor,
Mookambika Complex, Lady Desika
Road, Mylapore, Cheenai having
its one of branch office at
Kamandala Ganapathi Vanijya
Complex, SVT Road, Behind Police
Station, Koppa – 577 126
represented by its GPA holder
Sri. Kantharaju, S/o. Ramegowda.

V/s

Opponent/petitioner: D.C.C. Bank, Chikkamagaluru

ORDER ON I.A. No.III

Applicant / objector has filed this application under Order XXI Rule 58 R/w. Section 151 of C.P.C. to permit him raise the claim of 1st priority right existed pertaining to suit property.

2. The objector / applicant has filed this application along with affidavit, he contended that the Dhr claims attachment of 1 acre 10 guntas of land in Sy. No.97 (old Sy. No.28 of Kesave Village) Kasba Hobli, Koppa Taluk and building therein bearing Sl. No.248, property No.23, Kesave



Village Panchayath. Further he contended that the Transport Co-operative Society, Koppa by mortgaging the schedule property in favour of objector to obtain the loan accordingly the Jdr No.1 has mortgaged the said property, so that reason they have first priority right over the aforesaid property. Hence, he prays to allow this application.

3. The decree holder filed objection to the said application contended that the application filed by the objector / applicant is not maintainable either in law or facts. Further already the decree holder obtain the attachment order in case No.JRM/DDS-98/2021-22 and the present application filed by the objector is not tenable and the objector colluded with the judgment debtor has filed the present application. Hence he prays to reject the application filed by the applicant.

4. Heard arguments of both side.

5. On careful perusal of the records the following points would arise for my consideration:

1. Whether application filed by the applicant/ objector deserves to be allowed or not?
2. What order?

6. My finding on the aforesaid points for consideration is:

Point No. 1 : **In the Affirmative.**



Point No. 2 : As per final order
for the following:

REASONS

7. **Point No.1:** The objector filed this application contended that to create first charge in favour of Sri Ram Finance Company, because the Jdr No.1 mortgage the suit property in favour of objector by depositing the Title Deed by availing loan and the charge was created in respect of the suit property. Further the objector is also financier to the Transport Company and the said company availed loan by depositing the Title Deed in favour of Objector.

8. On careful perusal of the records the TCS, Company was closed and in default of payment the decree holder obtain the order and seeking attachment of the immovable property as mentioned in the schedule. Further while considering the application of the objector the priority given to the objector to raise objection and the priority of payment given to the objector. Further at this juncture if the objector came on record and adjudicate the execution petition the court will ascertain that who will be entitle for first priority to attachment of the property and recover the amount from judgment debtor. Further in



order to protect the right of the objector and in order to comes to proper conclusion the objector is necessary party to the adjudicate the execution petition. Hence for the above said reason my answer to **point No.1 in the Affirmative.**

9. **Point No.2:** In view of answer to point No.1 in the affirmative and I pass the following:

ORDER

I.A. No.III filed by the objector / applicant under Order XXI Rule 58 R/w. Section 151 of C.P.C is hereby allowed.

Consequently permitted to objector to contest the petition.

(Typed to my dictation by the stenographer directly on Computer, then corrected, printout taken, signed by me and then pronounced in the open court on this 25th day of July, 2025)

Sd/-
(Raghunatha Gowda K.T.)
Senior Civil Judge and JMFC.,
N.R.Pura, Itinerate at Koppa.