



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 6702 OF 2026 (GM-CPC)

BETWEEN:

SRI. R. KRISHNAMURTHY
S/O LATE RANGAPPA,
AGED ABOUT 67 YEARS,
R/AT SRI.RANGA NILAYA,
NO.11, T.P. KAILASAM ROAD,
1ST MAIN ROAD,
RAGHAVENDRA COLONY,
TUMKUR-572 102.

...PETITIONER

(BY SRI. SAGAR B.B., ADVOCATE)

AND:

1. SRI. N.K. VENKATESH
S/O N.P. KRISHNA MURTHY,
AGED ABOUT 70 YEARS,
R/O BIVASREE, 2ND BLOCK,
CSI LAYOUT, TUMKUR.

2. SRI. MANISH BANSAL,
S/O MANGILAL,
AGED ABOUT 60 YEARS,
R/O MARUTHINAGAR,
ARASIKERE TOWN,
TUMKUR DISTRICT-577233.

...RESPONDENTS

(BY SRI. AJAY PRABHU, ADVOCATE FOR CAV/R1)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 20.02.2026 PASSED IN EXECUTION PETITION NO. 30/2025 PENDING ON THE FILE OF ADDITIONAL SENIOR CIVIL JUDGE AND CJM TUMAKURU VIDE ANNEXURE-E.

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





CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioner seeks the following reliefs:

"i. Issue a Writ of Certiorari quashing the impugned order dated 20.02.2026 passed in Execution Petition No 30/2025 pending on the file of Additional Senior Civil Judge and CJM Tumakuru vide Annexure E in the interest of justice and equity.

ii. Pass such other orders as this Honorable Court may deem fit in view of the facts and circumstances of the case in the interest of justice and equity.

2. Heard learned counsel for the petitioner and learned counsel for respondent No.1 and perused the material on record.

3. On an earlier occasion, the Executing Court having issued arrest warrant as against the petitioner-judgment debtor, this Court in W.P.No.192/2026, passed the following order on 09.02.2026:

"In this petition, petitioner seeks the following reliefs:

- a) Set aside the Order dated 21.04.2025, (Annexure-A) passed by the Addl. Senior Civil Judge and CJM, Tumakuru, in Ex. Pet. No.30/2025, and consequently quash the arrest warrant issued against the Petitioner.*



- b) *Direct the Executing Court (Addl. Senior Civil Judge and CJM, Tumakuru) to decide de novo the means of the petitioner to discharge the decree, in accordance with the law; and*
- c) *Pass any other order/s this Hon'ble Court may deem fit, considering the facts and circumstances of the case.*

2. *Heard learned counsel for the petitioner and learned counsel for respondent No.1 and perused the material on record.*

3. *A perusal of the material on record will indicate that the petitioner is aggrieved by the impugned order, whereby the Executing Court directed issuance of arrest warrant as against the petitioner at the instance of the respondent No.1 - Decree Holder, who has instituted the instant execution proceedings. On 07.01.2026, this Court passed the following interim order:*

"Heard.

Issue emergent notice to the respondents returnable by 09.02.2026.

In the meanwhile, all further proceedings in Ex.Pet.No.30/2025 pending on the file of the Addl. Senior Civil Judge and CJM, Tumakuru, are hereby stayed till the next date of hearing, subject to the petitioner depositing Rs.5 Lakhs before the Executing Court in on or before 07.02.2026.

Liberty is reserved in favour of respondents to seek vacation / modification of this order.

Hand delivery of this order is permitted."

4. *In pursuance of the same, the petitioner has deposited Rs.5,00,000/- before the Executing Court and a memo in this regard is filed by the petitioner.*

5. *Learned counsel for respondent No.1 - Decree Holder on instructions submits that the respondent No.1 may*



be permitted to withdraw the said amount deposited by the petitioner with a direction to the Executing Court to dispose of the execution proceedings within a stipulated time frame.

6. In view of the aforesaid facts and circumstances and the undisputed fact that the execution proceedings are posted before the Executing Court on 20.02.2026, without expressing any opinion on the merits/demerits of the rival contentions, I deem it just and appropriate to set aside the arrest warrant issued against the petitioner and direct the Executing Court to dispose of the execution proceedings in accordance with law after hearing both sides within a period of 4 months from 20.02.2026.

7. In the result, I pass the following:

ORDER

- i) The petition is hereby allowed.*
- ii) The arrest warrant issued against the petitioner in Ex.No.30/2025 on the file of the Additional Senior Civil Judge and CJM, Tumakuru, is hereby set aside.*
- iii) The Executing Court is directed to dispose of the execution proceedings in Ex.No.30/2025 in accordance with law after hearing both sides within a period of 4 months from 20.02.2026.*
- iv) All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the merits/demerits of the rival contentions.”*

4. Subsequent to the said order, when the matter was posted before the Executing Court on 20.02.2026,



respondent No.1-decree holder filed one more application under Order XXI Rule 3 of CPC seeking attachment of the movables of the petitioner-judgment debtor and the request of the petitioner-judgment debtor for adjournment was refused and the Trial Court proceeded to pass the following order:

“Advocate for D.Hr filed a memo with certified copy of order passed in W.P. 192/2026 and an application U/O 21 Rule 3 R/W Sec. 151 of CPC for attachment of movable warrant.

Perused. The Hon’ble Court has set aside the arrest warrant issued by this court with a direction to dispose the matter within 4 months from this day.

Advocate for JDr .1 prayed time to file objections to the application. No grounds are made out. Hence, prayer is rejected. Heard on application. For the reasons sworn to in the accompanying affidavit, I.A is allowed. No order as to cost.

As such, office to issue attachment movable warrant against the JDr.No.1 with a letter to Nazer, process branch, Tumakuru to execute the warrant at the earliest in lieu of directions of the Hon’ble Court to dispose off the matter within 4 months from this day.

Further the D.Hr is directed to take other proper and stringent steps so as to comply the directions of the Hon’ble court on the next date of hearing.

Call on 04.03.2026.”



Aggrieved by the aforesaid impugned order passed by the Executing Court, the petitioner is before this court by way of the present petition

5. A perusal of the impugned order will indicate that though respondent No.1 - decree holder filed an application on 20.02.2026, the Executing Court has rejected the request of the petitioner-judgment debtor for adjournment without assigning any reasons to the application, which was filed on 20.02.2026 and has passed the impugned order on the very same day, without providing sufficient or reasonable opportunity to the petitioner-judgment debtor, which is in clear and utter violation of the principles of natural justice and consequently, I am of the considered opinion that the impugned order dated 20.02.2026 deserves to be set aside and the matter may be remitted back to the Executing Court for reconsideration of the application dated 20.02.2026, afresh, in accordance with law, after providing sufficient and reasonable opportunity to both sides.

6. In the result, I pass the following:

ORDER

(i) The petition is **allowed**.



- (ii) The impugned order dated 20.02.2026 passed in Ex.No.30/2025 by the Additional Senior Civil Judge and CJM, Tumakuru, is hereby set aside.
- (iii) The petitioner is permitted to file objections to the application dated 20.02.2026 on the next date of hearing of the proceedings, which stands posted on 04.03.2026.
- (iv) Upon the petitioner filing objections to the said application, the Trial Court shall provide sufficient and reasonable opportunity to both parties and dispose of the said application, afresh and in accordance with law.
- (v) Respondent No.1- decree holder is permitted to withdraw the amount deposited by the petitioner-judgment debtor before the Executing Court.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**