



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 8677 OF 2026 (GM-CPC)

BETWEEN:

SRI KAMUJU SURYAHARI SHETTY
AGED ABOUT 50 YEARS
S/O KAMUJU SAHEBSETTY
RESIDING AT FLAT NO.1020
JANAPRIYA LAKE VIEW APARTMENTS
KODICHIKKANNAHALLI,
BOMMANAHALLI, BANGALORE-560076
MANAGING PARTNER OF M/S SHETTY'S HOSPITAL
HAVING OFFICE AT NO.11 AND 12,
12TH 'F' MAIN, KAVERI NAGAR,
BOMMANAHALLI, BENGALURU 560068.

...PETITIONER

(BY SRI. SIDDHARTH SUMAN, ADVOCATE)

AND:

1. SRI. A.S.SAVUKAR
S/O LATE SHIVAPPA SAVUKAR
AGED ABOUT 74 YEARS
2. SRI. SHREE HARSHA A.S.
S/O ANNAPPA SAVUKAR
AGED ABOUT 40 YEARS
BOTH ARE RESIDING AT
NO. 165/B, 1ST G CROSS,
4TH BLOCK, 3RD STAGE,
SHARADA COLONY, BASAVESHWARA NAGAR,
BANGALORE-560079.

...RESPONDENTS

(BY SMT. KAVYA, ADVOCATE FOR
SRI. T.SESHAGIRI RAO, ADVOCATE FOR C/R2)





THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASHING / SETTING ASIDE THE ORDER DATED 25.02.2026 PASSED BY THE HONBLE LXII ADDL. CITY CIVIL AND SESSIONS JUDGE BANGALORE CITY (CCH-63) IN EX. PET. NO. 2553/2023 ON IA NO.1 (i.e., ANNEXURE-A) AS ARBITRARY, ILLEGAL AND UNJUST AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner-Judgment Debtor has called in question the order dated 25.02.2026 passed by the LXII Additional City Civil and Sessions Judge, Bengaluru (hereinafter referred to as 'Executing Court' for short) in Ex.No.2553/2023 vide Annexure-A, whereby a direction was issued to issue an arrest notice against the petitioner-Judgment Debtor.

2. The Decree Holders-respondents herein filed an execution petition in Ex.No.2553/2023. In an earlier round of litigation, the Executing Court had issued an arrest warrant against the petitioner. Aggrieved by the same, the petitioner approached this Court by filing



W.P.No.19640/2025. This Court, by order dated 04.12.2025, passed the following order (operative portion of the said order):

"O R D E R

- i) *The petition is allowed.*
- ii) *The impugned order dated 13.6.2025 passed by the LXII Addl. City Civil & Sessions Judge, Bengaluru in Execution No.2553/2023, is hereby set aside.*
- iii) *The Executing Court is at liberty to proceed further strictly in accordance with law.*
- iv) *It is needless to mention that by way of allowing this petition and setting aside the impugned order dated 13.6.2025, the same will not preclude the respondents/decreed holders from making an application under Order XXI Rule 11. If such an application is filed, the Executing Court shall deal with the same in accordance with law.*
- v) *The Executing Court shall first proceed for recovery of the amount by following the procedure under Section 51 of CPC and other*



provisions contained in Order XXI Rule 11 of CPC, before adverting to any drastic measures.

vi) In view of this Court setting aside the impugned order dated 13.6.2025, the consequential orders subsequently passed with regard to arrest and execution of the personal bond, stand nullified."

3. Further, this Court in the above referred writ petition had specifically directed the Executing Court that, before passing any order regarding arrest, it must follow the procedure prescribed under the provisions of Section 51 of CPC and other provisions contained in Order XXI Rule 11 of the CPC. Contrary to the said directions, the impugned order issuing an arrest warrant has been passed. Therefore, the impugned order is liable to be set aside.

4. Accordingly, the following order is passed:

ORDER

a) The writ petition is ***disposed of.***



b) The impugned order dated 25.02.2026 passed by the Executing Court in Ex.No.2553/2023 vide Annexure-A, is set aside.

c) Since the petitioner–Judgment Debtor is already represented before the Executing Court, the Executing Court is directed to dispose of the execution petition in Ex.No.2553/2023 in terms of the order passed by this Court in W.P.No.19640/2025 disposed of on 04.12.2025, in accordance with law, as expeditiously as possible, and in any event not later than four months from the date of receipt of a certified copy of this order.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE