



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 36386 OF 2025 (S-RES)

BETWEEN:

1. SRI SIDDARATHA EDUCATION SOCIETY
REP. BY ITS SECRETARY,
SIDDARTHANAGARA POST,
TUMUKUR – 572 105
2. THE BOARD OF MANAGEMENT OF
SRI SIDDARATHA EDUCATION SOCIETY
REP. BY ITS CHAIRMAN,
SIDDARATHANAGARA POST,
TUMUKUR – 572 105

BOTH REPRESENTED BY
SRI K. M. KALANDAR PASHA,
ADMINISTRATIVE OFFICER

...PETITIONERS

(BY SRI. RANJAN RAMESH, ADVOCATE FOR
SRI. CHANDRAKANTH R. GOULAY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRL. SECRETARY,
DEPARTMENT OF EDUCATION (COLLEGIATE)
M. S. BUILDINGS,
BENGALURU – 560 001
2. THE COMMISSIONER OF
COLLEGIATE EDUCATION
2ND FLOOR, DTE BUILDINGS,
PALACE ROAD,
BENGALURU – 560 001





3. DR. B. H. DEVARAJU,
S/O LATE B. HANUMANTHA GOWDA,
AGED ABOUT 65 YEARS,
RETD. ASSOCIATE PROFESSOR,
SRI SIDDHARATHA FIRST GRADE COLLEGE,
R/AT SWATI, SRI RANGA VIDYA MANDIRA ROAD,
BATAWADI, TUMUKURU – 572 103

...RESPONDENTS

(BY SRI. SPOORTHY HEGDE, AGA FOR R1 & R2;
DR. B. H. DEVARAJU, R3 PARTY-IN-PERSON)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 20.11.2025, 19.08.2025 AND 17.07.2025 PASSED IN EXECUTION PETITION NO. 573/2023 BY THE PRL. DISTRICT AND SESSIONS JUDGE, TUMAKURU AS PER ANNEX-L, J AND H AS BEING ARBITRARY ILLEGAL AND VOID AND ETC.,

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

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

ORAL ORDER

In this petition, petitioners seek the following reliefs:

- "a) *Issue a writ of certiorari quashing the order dated 20.11.2025, 19.08.2025 and 17.07.2025, passed in Execution Petition No.573/2023 by the Principal District and Sessions Judge, Tumakuru as per Annexure-L, J & H, as being arbitrary, illegal and void;*
- b) *Declare that the petitioners are not liable to pay any amount towards back wages or pensionary benefits of the 3rd respondent;*



c) *Pass such other order or direction as this Hon'ble Court deems fit to grant in the interest of justice and equity."*

2. Heard learned counsel for the petitioners, learned AGA for respondent No.2 and Dr.B.H.Devaraju, respondent No.3 – Party – in - Person and perused the material on record.

3. A perusal of the material on record will indicate that the petitioners-Management is aggrieved by the impugned orders dated 20.11.2025, 19.08.2025 and 17.07.2025 passed by the Executing Court in E.P.No.573/2023, in which, the respondent No.3 is the Decree Holder and the petitioners are the Judgment Debtors in the execution proceedings. According to the petitioners, the admitted amounts payable to the respondent No.3 - Decree Holder is Rs.77,77,795/-, out of which, the petitioners paid a sum of Rs.20,00,000/- pursuant to interim order dated 17.12.2025 and the balance of Rs.57,77,795/- vide a cheque No.695893 produced along with a memo of even date filed by the petitioner. The said memo reads as under:

"MEMO

The Petitioner submits as hereunder::



As per the order of this Hon'ble Court dated 17.03.2026, the cheque for the sum of Rs.57,77,795/- (Fifty seven lakhs seventy seven thousand seven hundred and ninety five rupees only) is handed over to the respondent No.3 – DR. B H DEVARAJU (Party in person) before the Hon'ble Bench on 24.03.2026. The details of the cheque are as follows.

*Bank - Canara Bank, Siddartha Inst. Of Technology
Amount - Rs. 57,77,795/-
Dated - 18/03/2026
In Favour - B H Devaraju
Cheque No. - 695893*

The photocopy of the cheque is produced along with this memo, the same may kindly be accepted and taken on record. It is requested and prayed accordingly.”

4. Per contra, respondent No.3 – Party-in-person submits that the total amount payable by the petitioners – Judgment Debtors to the respondent No.3 – Decree Holder in the execution proceedings is Rs.94,68,099/-.

5. In view of the aforesaid facts and circumstances and there being a dispute as regards the actual amount payable by the petitioners- Management to the respondent No.3 - Decree Holder, in addition to the admitted amount of Rs.77,77,795/- already paid



by the petitioners to the respondent No.3, the said dispute as regards the alleged amount payable by the petitioners to the respondent No.3 would necessarily have to be adjudicated upon by the Executing Court after conducting necessary enquiry in this regard.

6. Under these circumstances, though several contentions have been urged by both sides in support of the respective claims, as regards the total alleged amount payable by the petitioners to the respondent No. 3/Party – in- person, without expressing any opinion on the merits/demerits of the rival contentions, I deem it just and appropriate to set aside the impugned orders and remit the matter back to the Executing Court for reconsideration of the claim of the respondent No.3/Party-in-Person as regards the disputed amount in excess of Rs.77,77,795/- and to pass appropriate orders within a stipulated time frame.

7. In the result, I pass the following:

ORDER

i) The petition is hereby disposed of.



ii) The impugned orders dated 20.11.2025, 19.08.2025 and 17.07.2025 passed in Execution Petition No.573/2023 on the file of Principal District and Sessions Judge, Tumkur, at Annexures – L, J and H, are hereby set aside.

iii) The matter is remitted back to the Executing Court for reconsideration of the claim of respondent No.3 / Party- in -Person as regards alleged amounts payable by the petitioners to respondent No.3 in excess of the admitted amount of Rs.77,77,795/- by conducting necessary enquiry in this regard.

iv) The Executing Court is directed to conduct enquiry as regards the alleged excess amount in excess of Rs.77,77,795/- and pass appropriate orders within a period of 3 months from the date of receipt of a copy of this order.

v) All rival contentions on all aspects of the matter in respect of the alleged amount in excess of the admitted amount of Rs.77,77,795/- allegedly payable



by the petitioner to the respondent No.3 are kept open to be decided by the Executing Court and no opinion is expressed on the merits/demerits of the rival contentions.

Hand delivery of this order is permitted.

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

MDS
List No.: 1 SI No.: 2