



NC: 2026:KHC-D:4700
WP No. 101172 of 2026

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE ASHOK S. KINAGI
WRIT PETITION NO. 101172 OF 2026 (GM-CPC)

BETWEEN:

1. YALLAPPA S/O SHANKARSA ATHANI
AGE. 60 YEARS, OCC. BUSINESS,
R/O. SHREYA PARADISE APARTMENT,
R.N SETTY MAIN ROAD, GOKUL ROAD
HUBBALLI, NOW R/AT. HOUSE NO.402,
4TH FLOOR, AKSHAYA ELITE APARTMENT,
AKSHAYA COLONY, SHIRUR PARK,
VIDYANAGAR, HUBBALLI.

...PETITIONER

(BY SRI. U.G. KATTIMANI, ADV)

AND:

1. NARAYANRAO S/O TIPPANNA BELAMAKAR
AGE. 66 YEARS, OCC. BUSINESS,
R/O. BELAMAKAR ONI, OLD HUBBALLI,
TQ. HUBBALLI, DIST. DHARWAD 580024

...RESPONDENT

(BY SRI. P.L. SATHYAMOORTHY, ADV FOR RESPONDENT)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION
OF INDIA, PRAYING TO,

- A) ISSUE WRIT OF CERTIORARI SETTING ASIDE THE IMPUGNED
ORDER PASSED BY THE LEARNED III ADDITIONAL PRINCIPAL SENIOR
CIVIL JUDGE AND JMFC, HUBBALLI ON I. A. NO. 1 IN E.P NO.154/2024
DATED 02-02-2026 VIDE ANNEXURE-G.

VIJAYALAKSHMI
M KANKUPPI



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Date: 2026.04.08
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B) ISSUE WRIT OF MANDAMUS TO CONSIDER INTERIM APPLICATION NO.2 BY THE LEARNED III ADDITIONAL PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, HUBBALLI IN E.P NO. 154/2024 VIDE ANNEXURE-D.

C) ISSUE ANY SUCH OTHER WRIT, ORDER AND DIRECTION AS THIS HON BLE COURT DEEMS FIT UNDER THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

The petitioner/judgment debtor filed an undertaking affidavit to pay the total amount of Rs.25,00,000/- to the respondent/decreed holder as full and final settlement in three instalments. The undertaking affidavit reads as follows:

"UNDERTAKING AFFIDAVIT

In this I Yallappa, S/o. Shankarsa Athani, Age: 54 years, Occ.: Business, R/o: House No. 402, 4th Floor, Akshya Apartement, Akshya Colony, Shirur Park, VidyaNagar Elite, Hubballi, today at Dharwad, do hereby state on solemn affirmation as under:



1. I state that, I am the petitioner in this case. I know the facts of the case that I am the Judgment Debtor in the Execution Petition and I am well-acquainted with the facts and circumstances of the case. Hence, I am swearing this affidavit. That the Execution Petition is filed against me for recovery money.

2. That I admit my liability to pay the said decreetal amount to the Decree Holder. Due to sudden death of my mother and my financial issues. I am unable to discharge the entire liability in a single lump sum.

3. That I hereby undertake and promise to pay the total amount of Rs.25,00,000/- (Twenty five lakhs) to the Decree Holder in two (3) installments within a period of eight (8) months from March, as per the schedule below:

First Installment: Rs.3,00,000/- (Rupees Three Lakh Only) to be paid on 15-04-2026.

Second Installment: Rs.11,00,000/-(Rupees eleven lakh Only) to be paid 15-07-2026

Third/Final Installment: Rs.11,00,000/-(Rupees eleven lakh Only) to be paid 30-10-2026

4. That I state that I shall not seek any further extension of time for the payment of the aforementioned installments.

5. That I am making this undertaking voluntarily and I am aware that any default in payment as per the schedule



above the Decree Holder shall be at liberty to proceed with the execution of the decree as per law."

2. The learned counsel for the respondent submits no objection to dispose of the writ petition in terms of the undertaking affidavit.

3. Accordingly, the writ petition is disposed of, in terms of the undertaking affidavit.

4. The respondent/decreed holder undertakes that the respondent will not take any coercive action against the petitioner/judgment debtor.

5. If the petitioner fails to pay the installments, the respondent is at liberty to execute the order.

6. Pending applications, if any, shall stand disposed of.

Sd/-
(ASHOK S. KINAGI)
JUDGE