



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.104803 OF 2025 (GM-CPC)

C/W

WRIT PETITION NO.104744 OF 2025 (GM-CPC)

IN WP No.104803/2025

BETWEEN:

CHIRANJEEVI CHITS (P) LTD.,
GOKAK REPRESENTED BY ITS MANAGER,
HAVALAPPA BALAPPA UPPARAHATTI,
AGE. 78 YEARS, OCC. MANAGER,
R/O. TQ. GOKAK, DIST. BELAGAVI-591218.

...PETITIONER

(BY SRI. SANTOSHKUMAR B.MALLIGAWAD, ADVOCATE)

AND:

1. SHANTAVVA W/O. TULAJAPPA RAWUL,
AGE. 65 YEARS, OCC. BUSINESS,
R/O. NEAR GOMBI GUDI, GOKAK,
DIST. BELAGAVI-591218.
2. CHANDRASHEKHAR S/O. KOTREPPA ANDANI,
AGE. 40 YEARS, OCC. BUSINESS,
R/O. PUNDIKERI, OPPOSITE GNS,
BANAGAR GALLI, GOKAK-591218.

...RESPONDENTS

(SERVICE OF NOTICE IN R/O R2 IS HELD SUFFICIENT;
SERVICE OF NOTICE TO R1 IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF CONSTITUTION OF INDIA, PRAYING TO 1. ISSUE A WRIT IN THE





NC: 2026:KHC-D:1663
WP No. 104803 of 2025
C/W WP No. 104744 of 2025

NATURE OF CERTIORARI QUASHING THE ORDER DATED 28/06/2025
PASSED BY LEARNED PRINCIPAL, SENIOR CIVIL JUDGE, GOKAK IN
(ABN) EP NO.154/2024 VIDE ANNEXURE-D. 2. GRANT ANY OTHER
RELIEF, WHICH THIS HON'BLE COURT MAY DEEM FIT IN THE
INTEREST OF JUSTICE AND EQUITY.

IN WP NO.104744/2025
BETWEEN:

CHIRANJEEVI CHITS (P) LTD.,
GOKAK, REPRESENTED BY ITS MANAGER,
HAVALAPPA BALAPPA UPPARAHATTI,
AGE. 78 YEARS, OCC. MANAGER,
R/O. TQ. GOKAK, DIST. BELAGAVI-591218.

...PETITIONER

(BY SRI. SANTOSHKUMAR B.MALLIGAWAD, ADVOCATE)

AND:

1. SHANTAVVA W/O. TULAJAPPA RAWUL,
AGE. 65 YEARS, OCC. BUSINESS,
R/O. NEAR GOMBI GUDI, GOKAK,
DIST. BELAGAVI-591218.
2. BASAVARAJ S/O. GANGAYYA HIEMATH,
AGE. 45 YEARS, OCC. BUSINESS,
R/O. CHANDAN BOOK DEPO,
JSS COLLEGE COMPLEX, GOKAK, BELAGAVI-591218.

...RESPONDENTS

(SERVICE OF NOTICE IN R/O R1 AND R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
CONSTITUTION OF INDIA, PRAYING TO 1. ISSUE A WRIT IN THE
NATURE OF CERTIORARI QUASHING THE ORDER DATED 28-06-
2025 PASSED BY LEARNED PRINCIPAL SENIOR CIVIL JUDGE,
GOKAK IN (ABN)EP NO.153/2024 VIDE ANNEXURE-D. 2. GRANT
ANY OTHER RELIEF, WHICH THIS HON'BLE COURT MAY DEEM
FIT IN THE INTEREST OF JUSTICE AND EQUITY.

THESE WRIT PETITIONS, COMING ON FOR FURTHER HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The W.P.No.104803/2025 is filed seeking the following prayers:

"1. Issue a writ in the nature of certiorari quashing the order dated 28/06/2025 passed by Learned Principal, Senior Civil Judge, Gokak in (ABN) EP No.154/2024 vide Annexure-D.

2. Grant any other relief, which this Hon'ble court may deem fit in the interest of justice and equity."

2. The W.P.No.104744/2025 is filed seeking the following prayers:

"1. Issue a writ in the nature of certiorari quashing the order dated 28-06-2025 passed by Learned Principal Senior Civil Judge, Gokak in (ABN) EP No.153/2024 vide Annexure-D.

2. Grant any other relief, which this Hon'ble court may deem fit in the interest of justice and equity."

3. The decree holder is before this Court aggrieved by the orders passed in Execution No.153/2024 and Execution No.154/2024 dated 28.06.2025 by the Principal Senior Civil Judge, Gokak. During the pendency of the execution proceedings, the JDR No.1 died and it is stated by the decree



holder that there are no legal heirs. Then the guarantor, who is JDR No.3, has filed a memo stating that JDR No.1 is having legal heirs and he furnished the details of the family members. Then, the Executing Court, by order impugned, had closed the execution proceedings on the ground that the decree holder has suppressed the material facts.

4. Learned counsel appearing for the petitioners submits that when it was brought to the notice of the Executing Court that there are surviving legal heirs of JDR No.1, the Executing Court ought to have given an opportunity to the petitioner/decreed holder to bring the legal representatives on record and without doing so, the Executing Court has dismissed the petition. It is submitted that the procedure adopted by the Executing Court is contrary to law and it will cause lot of hardship to the decree holder. Learned counsel appearing to the petitioner further submits that as far as JDR No.3 is concerned, the petitioner is not seeking any relief and filed a memo to dispense with notice and accordingly the Court has passed an order dispensing the notice to the said respondent.



5. Having heard the learned counsel for the petitioner, perused the material on record. There is a judgment and decree in favour of the petitioner/decreed holder. It is submitted by the decreed holder that there are no legal heirs of JDR No.1 and later, it was brought to the notice of the Executing Court that there are legal heirs or surviving legal heirs to the JDR No.1. In that case, the Executing Court ought to have given an opportunity to the decreed holder to bring the legal heirs of JDR No.1 on record and the Executing Court ought not to have closed the Execution proceedings. In that view of the matter, this Court is passing the following:

ORDER

- (i) The orders passed in Execution No.153/2024 and Execution No.154/2024 dated 28.06.2025 by the Principal Senior Civil Judge, Gokak, are **set aside** and the petitioner is permitted to bring the legal heirs of deceased JDR No.1 on record.
- (ii) Accordingly the both the writ petitions are **allowed**.



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(iii) All I.As., in these writ petitions, stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

YAN
CT: UMD
List No.: 1 Sl No.: 2