

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2025

BEFORE
THE HON'BLE MR. JUSTICE [REDACTED]

WRIT PETITION NO. 20860 OF 2025 (GM-CPC)

BETWEEN:

[REDACTED], AGED ABOUT 80 YEARS,
RESIDING AT [REDACTED], BENGALURU - 560 078.

...PETITIONER

(BY SRI [REDACTED], ADVOCATE)

AND:

1. [REDACTED], AGED ABOUT 79 YEARS,
RESIDING AT [REDACTED], BENGALURU - 560 078.

2. [REDACTED], AGED ABOUT 58 YEARS,
RESIDING AT [REDACTED], BENGALURU - 560 002.

...RESPONDENTS

(BY SRI [REDACTED], ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH
THE ORDERS PASSED BY THE XI ADDL. CITY CIVIL AND SESSIONS JUDGE,
BANGALORE IN EXECUTION CASE NO.1141/2014.

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

ORAL ORDER

The petitioner is before this Court calling in question an order of the
Executing Court which directs issuance of delivery warrant with police assistance,
to break open the lock in respect of the schedule property in Execution Case 1141 of 2014.

The petitioner had earlier filed a suit in OS No. 3113/1993 which came
to be dismissed. The appeal in RFA No.802/2014 and the Special Leave Petition
before the Apex Court were also rejected. Thus, the findings have attained finality.

The application filed under Order XXI Rule 97 CPC by the petitioner
was rejected for non-prosecution. The Executing Court proceeded with issuance
of delivery warrant. In light of the judgment of the Hon'ble Supreme Court in
RAHUL SHAH v. JINENDRA KUMAR GANDHI (2021) 6 SCC 418,
the impugned order does not warrant interference.

Petition stands dismissed. Interim orders, if any, stand dissolved.

Sd/-
[REDACTED]
JUDGE