

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF FEBRUARY 2016

BEFORE

THE HON'BLE MR. JUSTICE BUDIHAL R.B.

WRIT PETITION NO.10081/2016 (GM-CPC)

BETWEEN:

DR.SHASHIKANTH.A.,
AGED ABOUT 45 YEARS,
S/O DR.S.ARUMUGHAM,
R/AT SY.NO.16/4P1,
KORANGARAPADY VILLAGE
UDUPI TALUK & DISTRICT – 574 118.

...PETITIONER

(BY DR.S.ARUMUGHAM, ADV.)

AND:

MR.NAVEEN CHANDRA
S/O R.V.RAMAN
AGED 52 YEARS
R/AT NO.112 'ADARSH VISTA'
BASAVANAGAR MAIN ROAD,
MARATHALLI,
BANGALORE – 560 037.

....RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER OF ATTACHMENT OF MOVEABLES IN THE ADDRESS AT 878, 'SRIPRADA', 13TH MAIN, OPP. ARYAN PRESIDENCY SCHOOL, NAGARABHAVI II STAGE, BANGALORE 560 072 PASSED ON 20.02.2015 AND THE WARRANT ISSUED ON 01.02.2016 IN EX.CASE NO.429/2015 AGAINST THE DECREE IN O.S.7262/2011 DISPOSED ON 11.09.2014 ON THE FILE OF THE XLI CITY CIVIL AND SESSIONS JUDGE, BANGALORE AT ANNEX-J.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

O R D E R

Heard the learned counsel for the writ petitioner/Judgment Debtor. This writ petition is filed requesting the court to set aside the order of attachment of movables passed on 20.02.2015 and the warrant issued on 01.02.2016 in Ex.No.429/2016 in O.S.No.7262/2011, disposed of on 11.09.2014.

2. Learned counsel appearing for the writ petitioner/judgment debtor made the submission that on the date of pronouncement of the judgment itself, the defendant filed an application to re-open the case, as the defendant wanted to produce some documents. But the same was not considered and it was rejected by the court. Hence, he has approached this court by way of this writ petition.

3. I have perused the impugned order passed by the trial court. It is observed by the trial court in the

order dated 11/09/2014, the suit of the plaintiff was decreed in part with costs. The defendant herein is liable to pay a sum of Rs.3,00,000/- to the plaintiff with future interest at 6% p.a. from the date of the decree till realization. Therefore, the court has observed in its order that the suit itself has been already disposed of, therefore the question of considering the application filed by the defendant does not arise at all.

4. Looking to the reasons assigned by the trial court, I do not find any illegality in the order passed by the trial court in passing such orders. No grounds to interfere with the said order of the trial court in this writ petition.

Accordingly the writ petition id dismissed.

**Sd/-
JUDGE**

PSG
Ct-sm