HC-KAR



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 15TH DAY OF JUNE, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE T.M.NADAF**

**WRIT PETITION NO.15504 OF 2023 (GM-CON)**

**BETWEEN:**

1. B.K. SRINIVASA MURTHY,
   AGED ABOUT 60 YEARS
   51, TD LANE, COTTON PET,
   BANGALORE - 560 053.

2. B.K. PRAKASH,
   AGED ABOUT 56 YEARS,
   51, TD LANE, COTTON PET,
   BANGALORE - 560 053.

3. B.K. LALITHA,
   AGED ABOUT 59 YEARS,
   R/O NO.159,
   GEETHANJALI LAYOUT,
   HAL, 3RD STAGE,
   BANGALORE - 560 075.

...PETITIONERS

(BY SRI. VIVEK HOLLA, ADVOCATE)

Digitally signed by REKHA R
Location: High Court of Karnataka

**AND:**

1. AVINASH RAJESH PADMASHALI,
   THROUGH THEIR POWER OF ATTORNEY,
   K RAJESH PADMASHALI,
   FLAT NO.1408, 14TH MORSHIKA PALACE,
   KADRI KAMBALA ROAD,
   MANGALORE - 575 004.

2. DEEPA AVINASH PADMASHALI,
THROUGH THEIR POWER OF ATTORNEY,
K. RAJESH PADMASHALI,
FLAT NO.1408, 14TH MORSHIKA PALACE,
KADRI KAMBALA ROAD,
MANGALORE - 575 004.

3. UNISHIRE SKYSCAPES LLP.,
THROUGH DESIGNATED PARTNER,
KIRTI MEHTA,
NO.36, RAILWAY PARALLEL ROAD,
NEHRU NAGAR,
BENGALURU - 560 020.

…RESPONDENTS

(BY SRI. CHANDRANATH ARIGA K., ADVOCATE FOR R1,
R2 SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION, QUASHING THE ORDER DATED:17.06.2023 PASSED BY THE HON'BLE STATE CONSUMER DISPUTE REDRESSAL COMMISSION, BENGALURU IN EA.21/2021 (ANNEXURE-J) ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION, QUASHING THE ORDER DATED:17.06.2023 PASSED BY THE HON'BLE STATE CONSUMER DISPUTE REDRESSAL COMMISSION, BENGALURU IN EA 30/2022 (ANNEXURE-L) AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE T.M.NADAF

**ORAL ORDER**

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present writ petition is filed impugning the order dated 17.06.2023 passed by the Karnataka State Consumer Dispute Redressal Commission[1] in EA No.21/2021 whereby arrest warrants have been issued against the judgment debtors for not complying the order dated 11.11.2020 passed by the State Commission in C.C.No.145/2017.

2. A complaint came to be filed by the respondents against the petitioners, who are the land owners who entered into Joint Development Agreement with the respondent No.4-Developer i.e., '*Unishire Skyscapes LLP*'. The complainants/respondents had booked the Apartment bearing No.1203 situated on the 12th Floor in the residential complex known as "*UNISHIRE*

[1] For short 'State Commission'

*BELVEDERE PREMIA*" measuring approximately 1806 sq. ft. of super built-up area. Despite making almost entire consideration of Rs.85,00,000/- (Rupees Eighty Five Lakhs only) in the year 2012, the Apartment was not registered in their names and there was no possibility of completing the residential complex.

3. A complaint came to be allowed with cost of Rs.10,000/- (Rupees Ten Thousand only) and all the respondents in the complaint namely, respondent Nos.1 to 4 were directed jointly and severally to register the Apartment in the name of complainants within a period of 30 days from the date of the order by receiving balance sale consideration from the complainants, failing which, direction was issued to pay the entire amount received from the complainants along with 12% interest from the date of last payment received from the complainants till realization. The Builder was also directed to pay a sum of Rs.1,00,000/- (Rupee One Lakh only) towards compensation to the complainants for mental agony

suffered by them. This order has attained finality and the petitioners have never challenged this order.

4. The said order passed by the State Commission was not complied and hence, execution petition came to be filed. Despite the order having been passed in favour of the complainants-respondents way back in the year 2020, even after six years they are struggling to get the order implemented.

5. We find no reason to entertain this writ petition, inasmuch as, the writ petition is not maintainable as the order passed by the State Commission dated 11.11.2020 has attained finality, and it has to be executed as the petitioner and another have not given effect to the order or complied with. Hence, the writ petition is ***dismissed***. For three longs years the petitioners have been avoiding the arrest warrant, as such we direct the Commissioner of Police, Bengaluru City, to see that the arrest warrant are executed forthwith. Let the copy of this order be

communicated to the Commissioner of Police, Bengaluru City, forthwith for necessary compliance.

**Sd/-**
**(D K SINGH)**
**JUDGE**

**Sd/-**
**(T.M.NADAF)**
**JUDGE**

DR
List No.: 1 Sl No.: 8
ct-vn