



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.20161 OF 2025 (GM-CPC)

BETWEEN:

M/S SAMRIDDDHI PETRO PRODUCTS PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956,
REGISTERED OFFICE AT
PLOT NO.C38, ROAD NO.23/A,
JUBILEE HILLS, HYDERABAD – 500 033.
REPRESENTED BY ITS MANAGER
SRI. DASARI RAVEENDRA KRISHNA.

...PETITIONER

(BY SRI. ANOOP HARANAHALLI, ADVOCATE)

AND:

SRI. R. JAYANNA
SINCE DEAD BY HIS LRs

1. SMT. PAVITHRA J.,
W/O SRI MOHAN,
D/O LATE R. JAYANNA,
AGED ABOUT 43 YEARS,
R/AT NO.38, YELACHENAHALLI,
KANAKAPUR MAIN ROAD,
BENGALURU – 560 078.
2. SRI MADHUKAR J.,
S/O LATE R. JAYANNA,
AGED ABOUT 41 YEARS,
R/AT NO.199/11/2,
26TH "B" MAIN ROAD,
PUTTAIAHNA PALYA,
JAYANAGAR 9TH BLOCK,
BENGALURU – 560 078.





3. SMT PALLAVI J.,
W/O MR DARSHAN D.,
AGED ABOUT 40 YEARS,
R/AT NO.124, 4TH CROSS,
SUNDAR NAGAR, GOKUL,
BENGALURU – 560 054.
4. SMT PRATHIBA J.,
W/O MR. RAGHAVENDRA V.,
AGED ABOUT 38 YEARS,
R/AT NO.19, 4TH CROSS,
4TH MAIN, M.K. COMPOUND,
A.D. HALLI, MAGADI MAIN ROAD,
BENGALURU – 560 079.
5. SRI PRATHAP J.,
S/O LATE R. JAYANNA,
AGED ABOUT 36 YEARS,
R/AT NO.199/11/2,
26TH "B" MAIN ROAD,
PUTTAIAHNA PALYA,
JAYANAGAR 9TH BLOCK,
BENGALURU – 560 076.
6. SMT B. NAGAMANI
W/O R. JAYANNA,
AGED ABOUT 59 YEARS,
7. SRI R. MAHADEVA,
W/O R. RAMAIAH,
AGED ABOUT 52 YEARS,
8. SMT. PUSHPAVATHI K.,
W/O SRI R. MAHADEVA,
AGED ABOUT 44 YEARS.

RESPONDENTS NO.6 TO 8 ARE
R/AT NO.199/11-2,
26TH "B" MAIN ROAD,
PUTTAIAHNA PALYA,
JAYANAGAR 9TH BLOCK,
BENGALURU – 560 076.



9. SRI MAHESH N.P.,
PROPRIETOR: M/S NITIN AND CO.,
REGISTERED OFFICE AT NO.100/1,
100/2, OUTER RING ROAD,
HEBBAL, KASABA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU – 560 024.

...RESPONDENTS

(BY SRI. VINAY V., ADVOCATE FOR R1 TO R8)

THIS W.P. IS FILED UNDER ARTICLE 227 OF CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 25.06.2025 IN EXECUTION NO.1810/2023 ON THE FILE OF XLIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (VIDE ANNEXURE-A).

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the obstructor in Ex.No.1810/2023 on the file of the XLIII Additional City Civil & Sessions Judge, Bengaluru (Executing Court) is directed against the impugned order dated 25.06.2025 whereby the Executing Court directed the petitioner-obstructor to remove his belongings and installations without disposing of the obstructor application dated 17.02.2025 filed by the petitioner under Order XXI Rule 97 CPC.

2. Heard learned counsel for the petitioner and learned counsel for the respondent Nos.1 to 8 and perused the material on



record. For the order proposed, notice to respondent No.9 is dispensed with.

3. A perusal of the material on record will indicate that respondent Nos.1 to 8 – Decree Holders instituted the impugned execution proceedings in Ex.No.1810/2023 arising out of a compromise decree passed in O.S.No.304/2019 dated 11.02.2023. In the said execution proceedings, the Executing Court issued arrest warrant as against respondent No.9, who was the sole Judgment Debtor and the matter was posted on 17.02.2025, on which date the petitioner herein filed an application under Order XXI Rule 97 CPC claiming to be an obstructor/objector. Though the said application was still pending consideration, the Executing Court passed the impugned order dated 25.06.2025 directing the petitioner to remove his belongings within a period of 15 days from the date of the order, failing which he was liable to pay rent from 04.06.2025 till he removes his belongings and installations by holding as under:

“Counsel for objectors submits that Decree-Holder has not let the objector to remove the belongings and installations.



The objector was permitted to remove his belongings and installations and Decree-Holder is not liable to get any permission as stated by counsel for objector. Any delay in removing the belongings and installations which will postpone the handing over the possession then objector is liable to pay the rent. With this observation objector is directed to remove his belongings and installations within 15 days from the date of this order failing which he is liable to pay rent from 04.06.2025 to till he removes his belongings and installations.

For compliance, by 10.07.2025.”

4. On 08.07.2025, this Court passed the following interim order:

“The learned counsel appearing for the petitioner submits that in the fight between the decree holder and the judgment debtor, he is caught in the crossfire. The petitioner runs Petro Products Private Limited in a property owned by the decree holder and who has now sought that the eviction of the petitioner should happen for demolition of the petrol pump in the said property.

The learned counsel submits that a bare minimum of 4 months or 5 months is required to remove the entire petroleum products and to give the vacant possession to the decree holder. It is not that they are wanting to squat over the property.

Placing the submission on record, the demolition of the petitioner's / objector's property shall not be undertaken till the next date of hearing.



In that light the order dated 25.06.2025 shall remain as on date.”

5. The limited grievance of the petitioner in the present petition is that due to bonafide reasons, unavoidable circumstances and sufficient cause and on account of lack / want of permission granted in favour of the petitioner by Petroleum and Explosives Safety Organization (PESO), the petitioner could not remove his belongings as directed by the Executing Court in the impugned order. It is therefore submitted that the present petition may be disposed of reserving liberty in favour of the petitioner to file an appropriate application before the Executing Court for extension of time and condoning delay in removing the belongings and that the Executing Court may be directed to dispose of the said application to be filed by the petitioner, in accordance with law.

6. Per contra, learned counsel for the respondents submits that though the respondents are not aggrieved by the impugned order permitting the petitioner to remove his belongings, in the event, if any application for extension of time / condonation of delay is filed by the petitioner, the petitioner would be liable to pay rent and respondents would file objections to the said application



and the Executing Court may be directed to dispose of the said application, in accordance with law. In view of the aforesaid facts and circumstances, I deem it just and appropriate to dispose of this petition by issuing certain directions.

7. In the result, I pass the following:

ORDER

(i) The petition is hereby ***disposed of***.

(ii) Liberty is reserved in favour of the petitioner to file application seeking extension of time / condonation of delay in removing the belongings beyond the stipulated period of 15 days as indicated in the impugned order.

(iii) In the event the petitioner files such an application before the Executing Court, the respondent Nos.1 to 8 would be entitled to file their objections and the Trial Court shall dispose of the said application in accordance with law within a period of one month from 10.02.2026.

(iv) Since the present petition was filed on 08.07.2025, the entire period from 08.07.2025 till this day i.e., 05.02.2026 shall stand excluded for the purpose of



considering the application to be filed by the petitioner before
the Executing Court.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**

SV
List No.: 1 SI No.: 37