HC-KAR

NC: 2026:KHC:56144
WP No. 22589 of 2026

CNR: KAHC010383202026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 22589 OF 2026 (GM-FC)

BETWEEN:

SMT. RUKMINI
W/O. S.N. MALLESHAPPA
AGED ABOUT 54 YEARS
RESIDING AT KATIKERE VILLAGE,
HOLALURU HOBLI, SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT-560 037

...PETITIONER

(BY SRI.SUNIL S. RAO, ADVOCATE FOR
SRI.PANCHAM R.D., ADVOCATE)

AND:

1. SRI S.N.MALLESHAPPA
S/O. LATE NAGAPPA
AGED ABOUT 60 YEARS
RESIDING AT KATIKERE VILLAGE,
HOLALURU HOBLI, SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT-560 081

2. SMT.MEENAKSHAMMA
FATHERS NAME UNKNOWN
HUSBANDS NAME UNKNOWN
AGED 28 YEARS
RESIDING AT KATIKERE VILLAGE,
HOLALURU HOBLI, SHIVAMOGGA TALUK,
SHIVAMOGGA DISTRICT- 560 081

...RESPONDENTS

(NOTICE TO R1 AND R2 ARE HELD SUFFICIENT V/O/DATED: 07/10/2026)

Digitally signed by SUVARNA T
Location: HIGH COURT OF KARNATAKA

CNR: KAHC010383202026

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR ORDER IN THE NATURE OF CERTIORARI OR SUCH OTHER WRIT/ORDER OR DIRECTION QUASHING THE IMPUGNED ORDERS OF ATTACHMENT DATED 29.01.2025, 16.10.2025, 18.11.2025 AND 12.03.2026 FOUND WITHIN A COMMON ORDER SHEET IN EX. PET NO. 18/2022, ANNEXED AS ANNEXURE-A TO THE PRESENT WRIT PETITION, ONE PASSED BY THE HONBLE PRINCIPAL CIVIL JUDGE, FAMILY COURT, SHIVAMOGGA.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

I.A.No.2/2026 is filed seeking permission to prosecute the writ petition. The present writ petition is filed questioning the orders dated 29.01.2025, 16.10.2025, 18.11.2025 and 12.03.2026 passed in Ex.Pet.No.18/2022 by the Principal Civil Judge, Family Court, Shivamogga.

2. The Executing Court had passed an order to attach the house property No.70 and 179 of Holaluru village. It is the case that the petitioner is the wife of respondent No.1/Judgment Debtor. The respondent No.2/Decree holder is the second wife of the Judgment Debtor. When the respondent No.2 filed the execution petition, the Executing Court had

ordered for attachment of house property, which is the matrimonial home of the petitioner and she is residing in the said property.

3. Learned counsel for the petitioner submits that when the petitioner moved an application as an objector before the Executing Court, the Executing Court refused to entertain it. Hence, having no other go, the petitioner has come before this Court.

4. On the last occasion, this Court directed the petitioner to take out hand summons on the counsel appearing for the respondents before the Family Court. It is submitted that the petitioner has served notice on the counsel appearing for the respondents, and a memo is filed. Despite the service of notice, no vakalath is filed on behalf of the respondents.

5. This Court cannot pass any order in this petition while the execution petition is pending before the Court. The remedy of the petitioner is to approach the executing Court by filing an appropriate application. Considering the fact that this attachment order is affecting the petitioner, who is in

occupation of the property, this Court deems it appropriate to pass the following order:

ORDER

i. Accordingly, the writ petition is ***disposed of*** giving liberty to the petitioner to avail the remedy before the Executing Court and the application filed by the petitioner shall be considered by the Executing Court in accordance with law.

ii. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 40