

W.P.16930/07

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 7th DAY OF NOVEMBER 2007

BEFORE

THE HON'BLE DR. JUSTICE K.BHAKTHAVATSALA

W.P.NO.16930/2007(GM-CPC)BETWEEN:

Ashok Ishwarappa Pattanashetti
49 years, Occ:Business,
R/o.Karnataka Theater Gadag ... PETITIONER

(By Sri.Hemanth R.Chandanagoudar, Adv.)

AND :

Shrishailappa Basappa Angadiki
75 years, Occ:Retd.Medical Officer
R/o.Manvi Chawl Gadag. ... RESPONDENT


-0-0-0-0-

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to quash the impugned order at Annexure-E dated 29.7.2006 passed by the Additional Civil Judge(Sr.Dn), Gadag in Ex.Case No.68/06 vide Annexure-"E".

This Writ Petition coming on for preliminary hearing this day, the Court made the following:

ORDER

The petitioner/judgment-debtor in
Ex.Case.No.68/06 on the file of the Civil

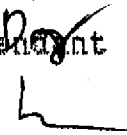



Judge (Sr. On) Bangalore, is before this Court praying for quashing the impugned order dated 29.7.2006 at Annexure-"E".

2. Heard arguments.

3. The learned counsel for the petitioner submits that the judgment debtor is suffering from illness and he is living in a joint family and therefore the attachment of movables is not correct.

4. The order sheet in the execution case at Annexure-"E" shows that on 20.9.2006, JDR was placed exparte and ordered for attachment of movables of the JDR and adjourned the case to 21.10.2006. Subsequently, the JDR appeared before the execution Court and prayed for setting aside the exparte order. The trial Court set aside the exparte order and adjourned the case to 23.12.2006. Again on 23.12.2006, at the request of the counsel for the judgment debtor, it was adjourned to 24.2.2007. It is implicit from the order sheet that the petitioner-defendant has



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been taking time. I see no merit in the writ petition.

5. In the result, the writ petition fails and the same is hereby dismissed. /

Sd/-
Judge

*alb/-.