

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 15<sup>TH</sup> DAY OF FEBRUARY, 2005

BEFORE

THE HON'BLE MR. JUSTICE K L MANJUNATH

**WRIT PETITION Nos. 41918, 41919 & 41921/2004**  
**(CPC)**

In W.P.No. 41918/2004

BETWEEN:

O.L.Chandre Gowda  
S/o O.B.L Gowda  
60 yrs. ... Petitioner  
r/o Siddaragiri, Jagara Post  
Chickmagalur Taluk & Dist.

(By Sri K Sanath Kumar Shetty, Adv.)

AND:

The Karnataka Bank Ltd  
Siravase Branch  
Chikmagalur  
Rep by its Attorney  
And Manager  
Bujanga Poojari. ... Respondent

(By Sri K Raghavendra Rao, Adv)

In W.P.No. 41919/2004

BETWEEN:

1 H B Kasturi  
W/o O.L.chandregowda  
55 yrs.

2. O.L.Chandre Gowda  
S/o O.B.L Gowda  
60 yrs ... Petitioners

- both are r/o Siddaragiri  
Jagara Post  
Chickmagalur Taluk & Dist.

(By Sri K Sanath Kumar Shetty, Adv.)

AND:

The Karnataka Bank Ltd  
Siravase Branch  
Chikmagalur  
Rep by its Attorney  
And Manager  
Bujanga Poojari. ... Respondent

(By Sri K Raghavendra Rao, Adv)

In W.P.No.41921/2004

BETWEEN:

1 H B Kasturi  
W/o O.L.chandragowda  
55 yrs.

2. O.L.Chandre Gowda  
S/o O.B.L Gowda  
60 yrs ... Petitioners

- both are r/o Siddaragiri  
Jagara Post  
Chickmagalur Taluk & Dist.

(By Sri K Sanath Kumar Shetty, Adv.)

AND:

The Karnataka Bank Ltd  
 Siravase Branch  
 Chikmagalur  
 Rep by its Attorney  
 And Manager  
 Bujanga Poojari.

... Respondent

(By Sri K Raghavendra Rao, Adv)

The writ petition Nos.41918, 41919 & 41921 of 2004 are filed under Article 226 and 227 of the Constitution of India, praying to quash the order dated 25-8-2004 in Ex.Nos.62/2003, 63/2003 & 64/2003 respectively on the file of Prl.Dist.Judge and MACT, at Chickmagalur vide Annexure-A.

These writ petitions coming on for orders this day, the Court made the following:

**ORDER**

In these three cases petitioners are judgment debtors before the District Judge, Chickmagalur in execution Nos.62/2003, 63/2003 & 64/2003. Execution petitions are filed by the respondent-Bank to execute the award passed by the sole arbitrator. Before the Executing Court judgment debtors raised certain objections. Objections raised by the petitioners have been rejected by the

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Executing Court. Questioning the legality and correctness of the said orders present writ petitions are filed.

2. The matter was heard for some time. Thereafter, learned counsel for the petitioners submits that the petitioners would satisfy the decree if breathing time is granted to them.

3. Considering the submission made by learned counsel for the petitioners, petitioners have been granted time to pay the decretal amount in the following terms:

- (a) Petitioners shall deposit a sum of Rs.1,50,000/- with the respondent-Bank within three months from today. After depositing the said amount, petitioners have been granted further six months time to pay the remaining amount as per the award of the arbitrator and till then execution petitions filed

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by the respondent shall be kept in abeyance by the Executing Court.

- (b) If the petitioners do not pay a sum of Rs.1,50,000/- as agreed upon within three months from today, the respondent-Bank is at liberty to proceed with the execution.

4. Accordingly these writ petitions are disposed of.

Sd/—  
Judge

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