



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 1217 OF 2026 (GM-CPC)

BETWEEN:

1. M/S ABHISHEKA PROPERTIES
A FIRM REGISTERED UNDER THE INDIAN
PARTNERSHIP ACT,
HAVING REGISTERED OFFICE AT NO.50/A,
NEW TIMBERYARD LAYOUT,
MYSORE ROAD,
BENGALURU-560026

REPRESENTED BY SMT.L.JAYALAKSHMI
W/O.LATE S.MANNOJI RAO,
AGED ABOUT 70 YEARS,
R/AT NO.50/A, NEW TIMBERYARD LAYOUT,
MYSORE ROAD,
BENGALURU-560026.

...PETITIONER

(BY SRI. SHIVARAMU H.C., ADVOCATE)

AND:

1. SRI NANJUNDAPPA
S/O. LATE HANUMAIAH,
AGED ABOUT 70 YEARS
2. SMT. MUNILAKSHMAMMA
W/O.SRI.NANJUNDAPPA,
AGED ABOUT 58 YEARS



3. SRI. SOMASHEKAR
S/O.SRI.NANJUNDAPA,
AGED ABOUT 36 YEARS,
4. SMT.HANUMAKKA
D/O.SRI.NANJUNDAPPA,
AGED ABOUT 38 YEARS,
5. SRI. VENKATABYLAPPA
S/O.LATE HANUMAIAH,
AGED ABOUT 53 YEARS,
6. SMT.HANUMAKKA @ SHOBHA
W/O.SRI.VENKATABYLAPPA,
AGED ABOUT 43 YEARS
7. SMT. PALLAVI
D/O.SRI. VENKATABYLAPPA,
AGED ABOUT 24 YEARS
8. SMT. DIMPLE
D/O.VENKATABYLAPPA,
AGED ABOUT 20 YEARS,
9. SRI. HANUMANTHARAYAPPA
S/O. LATE HANUMAIAH,
AGED ABOUT 48 YEARS

R1 TO R10 ARE R/AT NAGARUR VILLAGE,
DASANAPURA HOBLI,
BENGALURU NORTH TALUK-562162

10. SMT.LAKSHMAMMA
D/O. LATE HANUMAIAH,
W/O.HANUMANTHARAYAPPA,



AGED ABOUT 58 YEARS
R/A AVALAKUPE VILLAGE
KASABA HOBLI
NELAMANGALA TALUK-562 123.

11. SMT.CHANDRAKALA
W/O.R.GANGARAJU,
AGED ABOUT 49 YEARS,
R/A. NO.758, DEEPASHRI ENCLAVE,
OPP. SAPTHAGIRI MEDICAL HOSPITAL,
ATHMIYA GELEYARA BALAGA LAYOUT,
BENGALURU-560090
12. M/S.CLASSIC LAND DEVELOPERS
A REGISTERED PARTNERSHIP FIRM HAVING ITS
BUSINESS AT NO.1, ADAKAMARANAHAI,
21ST K.M, TUMKUR ROAD, MAKALI POST,
BENGALURU-562123

REPRESENTED BY ITS PARTNER
SRI.A.BALAAJI @ D.V.M.RAO @D.V.MADHAVA RAO,
S/O.LATE D.S.VENKATA RAM,
AGED ABOUT 78 YEARS,
R/A.NO.7, 13TH CROSS, S.P.EXTN,
MALLESHWARAM,
BENGALURU-560003

13. SRI.K.RAMU
S/O.LATE KARIYAPPA,
AGED ABOUT 75 YEARS,
R/A.NO.2471, 10TH MAIN ROAD,
D BLOCK, II STAGE, RAJAJINAGAR,
BENGALURU-560010



14. SMT.MAMATHA L
W/O.SRI.N.R.KRISHNA MURTHY,
AGED ABOUT 48 YEARS,
R/A.NO.623/A, E BLOCK,
2ND STAGE, RAJAJINAGAR,
BENGALURU-560010
15. SMT.KAVITHA L
D/O.L.LAKSMAN
AGED ABOUT 46 YEARS
R/A.NO.623/A, E BLOCK,
2ND STAGE, RAJAJINAGAR,
BENGALURU-560010
16. SRI.G.RAMACHANDRAN
S/O.LATE SRI.R.GANAPATHY IYER,
AGED ABOUT 54 YEARS,
R/A.NO.192, II CROSS,
II MAIN, HANUMANTHANAGAR,
BENGALURU-560019
17. SRI. JAGADEESH T.M
S/O.LATE SRI.T.MALLAIAH,
AGED ABOUT 57 YEARS,
R/A.NO.89, 1ST CROSS, 4TH MAIN,
MATHIKERE EXTN,
BENGALURU-560054
18. SRI. HOSALAPPA
S/O.SRI.BHADRAIAH,
AGED ABOUT 58 YEARS,
R/A.NO.J-1, PIPE LINE, MALLESHWARAM,
BENGALURU-560003



19. SRI. SRINATHA SHARMA K.M
S/O.MANJUNATHA SHARMA,
AGED ABOUT 55 YEARS,
R/A.NO.319, OLD MADRAS ROAD,
VALMIKI ANJANEYA TEMPLE,
V.V.PURAM,
BENGALURU-560004
20. SRI.K.M.BALAKRISHNA SHARMA
S/O.MANJUNATHA SHARMA,
AGED ABOUT 52 YEARS,
R/A.NO.319, OLD MADRAS ROAD,
VALMIKI ANJANEYA TEMPLE,
V.V.PURAM,
BENGALURU-560004
21. SMT. VANI
W/O.B.PRASANNA KUMAR,
AGED ABOUT 47 YEARS,
R/A.FLAT NO.F-103, NO.48,
WILSON COURT, 6TH CROSS,
WILSON GARDEN,
BENGALURU-560027

...RESPONDENTS

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE TRIAL COURT 1ST ADDL. SENIOR CIVIL JUDGE AT NELAMANGALA TO DISPOSE OFF I.A.S NO.3 AND 4 AS PER ANNEX-G AND G1 IN THE ABOVE SUIT O.S.NO. 777/2025 FORTHWITH WITHOUT GRANTING FURTHER TIME TO R-1 TO 21 HEREIN AS SUFFICIENT TIME IS ALREADY GRANTED TO THEM TO FILE OBJECTIONS, ETC.



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

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

1. The limited prayer in this petition is to direct the learned Trial Court to hear the two applications in I.A.Nos. 3 and 4 by the petitioner/plaintiff both filed under Order-XXXIX, Rule 1 and 2 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC').

2. Learned counsel for the petitioner/plaintiff submits that he has filed a suit for specific performance of an agreement to sell dated 18.07.2016 and related prayers. He submits that despite filing of these two interim applications before the learned Trial Court on 26.11.2025, the applications have yet not been taken up for hearing. Learned counsel further submits that the very purpose of the filing these applications will be defeated, unless these applications are heard.



3. Given the limited nature of prayer, this Court does not deem it apposite to issue Notice in the matter.

4. It is the case of the petitioner that the petitioner has purchased the suit schedule property from its previous owner Late Smt.Bylamma, mother of respondent Nos.1, 2 and 4, by virtue of a registered agreement to sell on 18.07.2016, for a total sale consideration of Rs.1.24 crores. The petitioner has made part payment of this amount. It is also the case of the petitioner that after entering into this agreement, the petitioner has learnt that respondent No.12 had previously entered into an unregistered sale agreement also with Late Smt.Bylamma in respect of the same property on 18.08.1997 and that the General Power of Attorney in respect thereof was also executed. In pursuance of this unregistered agreement, respondent No.12 has formed a layout and sold sites to proposed respondent Nos.14 to 21 herein.

5. The petitioner thus has filed the suit before the learned Trial Court seeking a decree of specific



performance of the agreement to sell dated 18.07.2016 and has also filed these applications seeking an order of temporary injunction from changing the nature of the suit schedule property, as well as an injunction from restraining defendant Nos.1 to 11 and proposed respondent Nos.14 to 21 from alienating or creating any encumbrances over the suit schedule property.

6. Since more than four months have passed since these applications have been filed and the relief sought is urgent in nature, the learned Trial Court ought to have take these applications for hearing and disposal.

7. Accordingly, it is directed that the learned Trial Court shall take up and decide these applications (I.A.Nos.3 and 4) at the earliest. Let the parties be present before the learned Trial Court for the purpose of arguments on these applications.

8. The learned counsel for the petitioner informs us that the applications are listed tomorrow i.e., 25.02.2026.



**NC: 2026:KHC:11259
WP No. 1217 of 2026**

9. The petition is disposed of with the aforesaid directions. All pending applications stand closed.

**(TARA VITASTA GANJU)
JUDGE**

JJ / List No.: 2 Sl No.: 4