



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. 1361 OF 2026 (GM-CPC)

BETWEEN:

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/A.NO.50/A, NEW TIMBERYARD LAYOUT,
MYSORE ROAD, BENGALURU-560026

...PETITIONER

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

AND:

1. SRI.THAMMAYAPPA,
S/O.LATE RAMAIAH,
AGED ABOUT 67 YEARS
2. SMT. BYLAMMA,
W/O.SRI.THAMMAYYAPPA
AGED ABOUT 63 YEARS



3. SRI. RAMANJINAPPA,
S/O.SRI.THAMMAYAPPA,
AGED ABOUT 48 YEARS
4. SRI.T.MANJUNATH,
S/O.SRI.THAMMAYAPPA,
AGED ABOUT 45 YEARS
5. SRI.T.SHIVASHANKAR,
S/O.SRI.THAMMAYAPPA,
AGED ABOUT 43 YEARS
6. SRI.T.PRASHANTH,
S/O.SRI.THAMMAYAPPA,
AGED ABOUT 41 YEARS
7. SRI.T.NANJUNDA,
S/O.SRI.THAMMAYAPPA,
AGED ABOUT 39 YEARS

R1 TO R7 ARE R/AT NO.238,
LAKSHMIDEVINAGARA,
6TH CROSS, 6TH MAIN,
ANNAMMA CIRCLE,
NANDINI LAYOUT POST,
BENGALURU-560096

8. SMT.PUTTAMMA
W/O.SRI.BYLEGOWDA,
D/O.LATE RAMAIAH,
AGED ABOUT 65 YEARS,
R/A.AGALAKUPPE VILLAGE,
MOTAGANAHALLI POST, KASABA HOBLI,
NELAMANGALA TALUK-562123



9. SMT.LAKKAMMA
W/O.SRI.MUDDABYRAA
D/O. LATE RAMAIAH,
AGED ABOUT 63 YEARS,
R/A.HULIKUNTE POST,
DODDABELAVANGALA HOBLI,
DODDABALLAPURA TALUK-561204
10. SMT. RANGAMMA
W/O.SRI.HANUMANTHARAYAPPA,
D/O.LATE RAMAIAH,
AGED ABOUT 61 YEARS,
R/A.ARAKERE VILLAGE AND POST,
HESARAGHATTA HOBLI,
BENGALURU NORTH TALUK - 560 088
11. SMT. LAKSHMAMMA
W/O.SRI.RAMANNA
D/O.LATE RAMAIAH,
AGED ABOUT 59 YEARS,
R/A.TIPPAPURA VILLAGE,
ERAPURA POST,
DODDABALLAPURA TALUK-561203
12. SMT. SUSHEELAMMA,
W/O.SRI. RAMAIAH
D/O. LATERAMAIAH,
AGED ABOUT 57 YEARS,
R/A. KANNEGOWDANAHALLI,
MYNAHALLI POST, KASABA HOBLI,
NELAMANGALA TALUK-562123
13. SMT. PRAMILA
W/O.SRI.GANGARAJU,
D/O.LATE RAMAIAH,



AGED ABOUT 55 YEARS,
R/A.5TH CROSS, 1ST MAIN,
RAVINDRANAGARA, MALLASANDRA CROSS,
T.DASARAHALLI POST,
BENGALURU-560057

14. SRI.JAYARAM,
S/O.LATE RAMAIAH,
AGED ABOUT 53 YEARS

15. SMT.SARASWATI,
W/O.SRI.JAYARAM,
AGED ABOUT 46 YEARS

16. SRI.HARISH,
S/O.SRI.JAYARAM,
AGED ABOUT 26 YEARS

17. SRI. DEVARAJ,
S/O.SRI.JAYARAM,
AGED ABOUT 23 YEARS

R14 TO R17 ARE R/AT NO. 191,
MARAMMA TEMPLE,
DASANAPURA VILLAGE,
BENGALURU NORTH TALUK-562162

18. 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 - 560 090



19. 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

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

21. SRI. SRIRANGA RAJ,
S/O.B.K.RANGE GOWDA,
AGED ABOUT 85 YEARS,
R/A.NO.430/3, DEVASHRI NILAYA,
7TH MAIN, 5TH CROSS,
BHUVANESHWARINAGAR,
T.DASARAHALLI
BENGALURU-560057.

22. SRI. PRASHANT KOLPE
S/O.SRI.BHASKAR RAO KOLPE,
AGED ABOUT 48 YEARS,



R/A.NO.S-2, 3RD FLOOR,
SKANDA RESIDENCY,
NO.40-41, 6TH CROSS,
ASHRAM COLONY,
SANJAYANAGAR,
BENGALURU-560094

23. SMT.LUCY S PINTO
W/O.SRI.A.PINTO,
AGED ABOUT 58 YEARS,
R/A.NO.27, SUKSHANTH,
PIPE LINE ROAD,
BEHIND KIRAN WINES,
BHUVANESHWARI NAGAR,
T.DASARAHALLI,
BENGALURU-560057
24. SMT.M.H.SHOBHA,
W/O.SRI.SHANKAR G.N.,
AGED ABOUT 53 YEARS,
R/A.NO.51/42, 22ND MAIN,
2ND CROSS, BEHIND B.T.S.GARAGE,
VIJAYANAGAR II STAGE,
BENGALURU-560040
25. SRI.SREENIVASA PRASAD M.A.,
S/O.SRI.M.R.ANANTHARAMA IYENGAR,
AGED ABOUT 54 YEARS,
R/A.NO.671, IV MAIN,
11TH CROSS, VYALIKAVAL,
BENGALURU-560003
26. SRI. BONA PINTO,
SRI. LASER LEO PINTO,
AGED ABOUT 52 YEARS,



R/A. NO.580/11,
SUKHSHANTH, PIPE LINE ROAD,
BEHIND KIRAN WINES,
BHUVANESHWARI NAGAR,
T.DASARAHALLI,
BENGALURU-560057

27. SRI.G.B.CHITRA SHEKARAI AH,
S/O.LATE SRI. GUBBI BASAPPA,
AGED ABOUT 76 YEARS,
R/A.NO.3-12, J.C.NAGAR,
MAHALKSHMIPURAM POST,
BENGALURU-560086
28. SRI.H.S.SRINIVASAN
S/O.SEETHARAM H.S,
AGED ABOUT 48 YEARS,
R/A.NO.365, 2ND CROSS,
2ND PHASE, MANJUNATH NAGAR,
BENGALURU-560010
29. SRI.B.K.POORNESH,
S/O.SRI.B.N.KESHAVA MURTHY AND
R.SAVITHRI, AGED ABOUT 43 YEARS,
R/A.NO.40, A BLOCK, CIL COLONY,
SANJAY NAGAR, RMV II STAGE,
BENGALURU-560094
30. SRI.N.ANAND RAO,
S/O.LATE SRI.N.S.NARAYANA RAO,
AGED ABOUT 65 YEARS,
R/A.NO.194/A, 9TH CROSS,
I MAIN, I STAGE, V PHASE,
WEST OF CHORD ROAD,
BENGALURU-560044



31. SMT.PADMINI RAMA KUMAR
W/O.DR.RAMA KUMAR,
AGED ABOUT 68 YEARS
R/A.FLAT NO.403,
D.NO.2-91/81/TT,
TRANSQUIL TOWER,
WHITEFIELD, KONDAPUR,
HYDERABAD-560084

32. SRI. ADARSH RAMAKUMAR
S/O.DR.RAMAKUMAR,
AGED ABOUT 43 YEARS
R/A.FLAT NO.403,
D.NO.2-91/81/TT,
TRANSQUIL TOWER,
WHITEFIELD, KONDAPUR,
HYDERABAD-560084

RESPONDENT NOS.31 AND 32 ARE
REPRESENTED BY GPA HOLDER
SRI.K. VISHWANATH
S/O.LATE KALYANAIAH,
AGED ABOUT 47 YEARS,
R/A.NO.22, KAVERI NILAYA,
KAVERI STREET,
RAMA MURTHY NAGAR,
BENGALURU-560016

33. SRI.M.C.KRISHNA PRASAD,
S/O.LATE SRI.CHITHAMBARAIAH,
AGED ABOUT 64 YEARS,
R/A.NO.2460, D BLOCK, 10TH MAIN,
2ND STAGE, RAJAJINAGAR,
BENGALURU-560057



34. SRI.S.ELANGO VAN
S/O.SRI.K.K.SUNDARAM,
AGED ABOUT 58 YEARS,
R/A.NO.12A, KAMRAJ STREET,
GOBI CHEETY PALLYAM TALUK,
ERODE DISTRICT,
TAMIL NADU-638456
35. SMT.ALAKA PURANIK
W/O.SRI.P.G.PURANIK,
AGED ABOUT 55 YEARS,
R/AT NO.393/A, 13TH MAIN,
9TH CROSS,
RAJAMAHAL VILAS EXTENSION,
BENGALURU-560080
36. MRS.H.USHA RANI
W/O.SRI.HEMANTH KUMAR T.R.
AGED ABOUT 53 YEARS,
R/A.NO.229, 9TH MAIN,
VIJAYANAGAR,
BENGALURU-560040
37. SMT. SUBHA SRIDHAR
W/O.SRI.B.SRIDHAR,
AGED ABOUT 48 YEARS,
R/A.NO.18, AG'S OFFICE LAYOUT,
NEW BEL ROAD,
BENGALURU-560054
38. SMT.SUDHA MADHUSUDHAN
W/O.SRI.H.S.MADHUSUDHAN,
AGED ABOUT 52 YEARS,
R/A.NO.812, 5TH MAIN, 6TH CROSS,
M.C.LAYOUT,



VIJAYANAGAR,
BENGALURU-560040

39. SMT. VIJAYALAKSHMI
W/O.SRI.A.P.GOPINATH,
AGED ABOUT 62 YEARS,
R/A.NO. 1236, SUPRABATH,
11TH MAIN, MAHALAKSHMIPURAM,
8TH A DIVISION,
WEST OF CHORD ROAD,
BENGALURU-560086
40. SMT. DEEPASHREE M
D/O.SRI.H.R.MANJUNATH,
AGED ABOUT 39 YEARS,
R/A.NO. 135, VHBSCS LAYOUT,
MAHALAKSHMIPURAM P.O,
BENGALURU-560086
41. SRI. RAJASHEKAR SIDDAPPA BADEMI,
S/O.SRI.SIDDAPPA CHENNAMALLAPPA
BADEMI,
AGED ABOUT 50 YEARS,
R/A.NO.255, 2ND CROSS,
F BLOCK, 10TH MAIN,
KODIGEHALI, SAHAKAR NAGR,
BENGALURU-560092
42. SRI.BASAVARAJ SIDDAPPA BADEMI
S/O.SRI.SIDDAPPA CHENNAMALLAPPA BADEMI,
AGED ABOUT 48 YEARS,
R/A.NO.255, 2ND CROSS,
F BLOCK, 10TH MAIN,
KODIGEHALI, SAHAKAR NAGAR,
BENGALURU-560092.



...RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (A) ISSUE A WRIT OF MANDAMUS DIRECTING THE TRIAL COURT 1st ADDL.SENIOR CIVIL JUDGE AT NELAMANGALA TO DISPOSE OFF IAS NO.3 AND 4 AS PER ANNEXURE – G AND G1 IN THE ABOVE SUIT OS NO.778/2025 FORTHWITH WITHOUT GRANTING FURTHER TIME TO RESPONDENTS NO.1 TO 18 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.Gangamma 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.19 had previously entered into an unregistered sale agreement also with Late Smt.Gangamma in respect of the same property on 27.05.1995 and that the General Power of Attorney in respect thereof was also executed. In pursuance of this unregistered agreement, respondent No.19 has formed a



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layout and sold sites to proposed respondent Nos.21 to 42 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 18, and proposed respondent Nos.19 to 42 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.

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.: 6