



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. 1243 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/AT NO.50/A, NEW TIMBERYARD LAYOUT,
MYSORE ROAD,
BENGALURU-560026

...PETITIONER

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

AND:

1. SMT JAYAMMA
W/O.LATE SRI. DEVANNA,
AGED ABOUT 78 YEARS
R/A.NO.307, PAVANASUTA NILAYA,
VINAYAKA LAYOUT,
DASANAPURA HOBLI,
BENGALURU NORTH TALUK
2. SMT. SAROJAMMA,
W/O.SRI.MANJUNATH,



AGED ABOUT 56 YEARS,
R/A. NAGARUR VILLAGE,
DASANAPURA HOBLI,
BENGALURU NORTH TALUK

3. SMT. ANNAPOORNA,
W/O.SRI.MANJUNATH,
D/O.SRI.MANJUNATH,
AGED ABOUT 43 YEARS,
R/A. BETTAHALLI VILLAGE,
KUDUR HOBLI, MAGADI TALUK
4. SMT.LAKSHMIDEVI,
W/O.SRI.MANJUNATH,
D/O.SRI. MANJUNATH,
AGED ABOUT 41 YEARS,
R/A.JATTIPALYA, VISHWANEEDAM POST,
MAGADI ROAD, BENGALURU
5. SMT. VANAIAKSHI,
W/O.SRI.MANJUNATH,
D/O.SRI. MANJUNATH,
AGED ABOUT 38 YEARS,
R/A.BETTAHALLI ILLAGE,
KUDUR HOBLI, MAGADI TALUK,
RAMANAGAR DISTRICT
6. SMT. SOUMYA,
W/O.SRI. MADHUSUDHAN,
D/O.LATE SRI. MANJUNTH,
AGED ABOUT 35 YRS,
DASANAPURA HOBLI,
R/A. DASANAPURA VILLAGE,
BENGALURU NORTH TALUK



7. SMT. YASHODAMMA,
W/O LATE MUNIRAJU,
AGED ABOUT 53 YEARS,
A.NO.307, PAVANASUTA NILAYA,
VINAYAKA LAYOUT,
DASANAPURA HOBLI.
BENGALURU NORTH TALUK
8. SMT.RAJANI
W/O.HARISH KUMAR D.M.
D/O.LATE MUNIRAJU,
AGED ABOUT 34 YEARS,
R/A.VINAYAKA LAYOUT,
DASANAPURA HOBLI,
BENGALURU NORTH TALUK
9. SRI SHASHISHEKARA
S/O LATE MUNIRAJU
AGED ABOUT 30 YEARS
R/A NO. 307
PAVANASUTA NILAYA
VINAYAKA LAYOUT
DASANAPURA HOBLI
BENGALURU NORTH TALUK
10. SMT. RANGAMMA,
W/O.SRI.ARASAPPA
D/O.LATE SRI. DEVANNA,
AGED ABOUT 58 YEARS
11. SRI. KIRAN KUMAR,
S/O.SRI.ARASAPPA
AGED ABOUT 27 YEARS



12. SMT.KEERTHI
D/O.SRI.ARSAPPA,
AGED ABOUT 33 YEARS,

R10 TO R12 ARE R/A. VAJARAHALLI VILLAGE,
KASABA HOBLI, NELAMANGALA TALUK

13. 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

14. 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-3

15. SRI.H.C.RAMESH,
S/O.LATE H.C.CHANNAPPA,
AGED ABOUT 63 YARS,
R/A.NO.36, 11TH CROSS,
SREERAMPURAM,
BENGALURU-560021



16. SMT. REVATHI B.S
D/O.SRI.B.K.SESHADRI,
ABOUT 41 YEARS,
NO.1618, B BLOCK,
SAHAKARA NAGAR
BENGALURU-560092
17. SMT.RAMANI B.S
D/O.SRI.B.K.SESHADRI,
AGED ABOUT 41 YEARS,
R/A.NO.1618, B BLOCK,
SAHAKARA NAGAR
BENGALURU-560092
18. SRI. MANJUNATH K.H
S/O.LATE K.L. HANUMANTHAPPA
AGED ABOUT 48 YEARS,
R/A.NO.7, 15TH C CROSS,
16TH MAIN ROAD, MUTHYALANAGAR,
BANDAPPA GARDEN,
BENGALURU-560054
19. SRI. OBALAPPA LINGAPPA
S/O. LATE LINGAPPA
AGED ABOUT 54 YEARS,
R/A. VEEGOLD, NO.422, 2ND A CROSS,
4TH MAIN ROAD, OMBAR LAYOUT,
BHUVANAGIRI,
BENGALURU-560043
20. SMT.LAKSHMI M.G
W/O.SRI.S.A.NARAYAN,
AGED ABOUT 78 YEARS,
R/A.NO.109, A BLOCK, CIL COLONY,



SANJAYANAGAR,
BENGALURU-560094

21. SRI.HARISH B.S
S/O.SRI.B.K.SESHADRI,
AGED ABOUT 42 YEARS,
R/A.NO.27, 1ST CROSS,
MODEL COLONY, YESHWANTHPUR,
BENGALURU-560022
22. SMT.CHITRA P.S
W/O.R.SEETHA RAMA,
AGED ABOUT 58 YEARS,
R/A.NO208, NAVAMI SIMPHONY,
BANGARAPPA NAGARA,
RAJARAJESHWARI NAGARA,
BENGALURU-560072
23. SRI. KARTHIK K KULKARNI
S/O.SRI.D.V.KRISHNA RAO,
AGED ABOUT 44 YEARS,
REPRESENTED BY HIS DULY CONSTITUTED
ATTORNEY
SRI.D.V.KRISHNA RAO,
S/O.LATE D.S.VENKATARAM

BOTH ARE R/A.RUP REKHA,
CIL COLONY A BLOCK, SANJAYNAGAR,
BENGALURU-560094

24. SRI. RAGHAVENDRA RAO P.S
S/O.P.R.SADASHIVA P
ABOUT 53 YEARS, 208,
NAVAMI SIMPHONY,
SANGARAPPANAGARA,



HC-KAR

NC: 2026:KHC:11253
WP No. 1243 of 2026

RAJA RAJESHWARI NAGARA,
BENGALURU-560072

25. SMT.LILLY RODRIGUES
W/O.LATE DANIEL RODRIGUES,
AGED ABOUT 73 YEARS,
R/A. AKSHAYA, NO.1257,
KALIYAMMA TEMPLE ROAD,
T.DASARAHALLI,
BENGALURU-560057
26. SRI.KANTHA RAJ M.C
S/O.LATE CHANDRAPPA,
AGED ABOUT 43 YEARS,
NO.A-803, VAISHNAVI,
NAKSHATRA APARTMENT,
PHASE-1 YESHWANTAPURA,
BENGALURU-560022
27. SMT.K.VISHALAKSHI
W/O.SRI.NAGARAJ K,
AGED ABOUT 64 YEARS,
R/A.NO.1274/A, HOYSALA,
ASHOK NAGAR,
MANDYA-571401
28. SMT.S.SARASWATHI
W/O.SRI.B.S.NARASIMHA MURTHY,
AGED ABOUT 68 YEARS,
R/A.NO.1356, 1ST CROSS,
NEHRU NAGAR,
MANDYA-571401
29. SMT.N.LAKSHMI
W/O.S.NAGENDRA KUMAR,



AGED ABOUT 50 YEAR,
R/A.NO.668, AMRUTHA NILAYA 1ST STAGE,
3RD MAIN, ARAVINDANAGAR,
MYSORE-570023

REPRESENTED BY HER GPA HOLDER
SRI.S.NAGENDRA KUMAR,
S/O.LATE G.R.SATHYANARAYANA SHETTY,
R/A.NO.668, AMRUTHA NILAYA 1ST STAGE,
3RD MAIN, ARAVINDANAGAR,
MYSORE-570023

30. SRI.B.R.PRADEEP
S/O. SRI.B.L.RAMA RAO,
AGED ABOUT 38 YEARS,
R/A. NO.656, 21ST CROSS,
II BLOCK, RAJAJINAGAR,
BENGALURU-560010.

31. SRI. KARTHIK S
S/O.SRI.V.SREENIVASA MURTHY,
AGED ABOUT 45 YEARS,
R/A.NO.KL 151, "SRI RAGHAVENDRA
KRUPA", 9TH CROSS,
VISHWESHWARAI AH NAGAR,
KALLAHALLI SOUTH,
MANDYA-571401

REPRESENTED BY HIS GENERAL POWER OF
ATTORNEY HOLDER SRI. V. SREENIVASA MURTHY,
AGED ABOUT 76 YEARS,
R/A.NO.KL 151, "SRI RAGHAVENDRA KRUPA",
9TH CROSS, VISHWESHWARAI AH NAGAR,
KALLAHALLI SOUTH,
MANDYA-571401



32. SRI.V.SRINIVASA MURTHY,
MAJOR IN AGE,
R/A.NO.KL 151, "SRI RAGHAVENDRA KRUPA",
9TH CROSS, VISHWESHWARAI AH NAGAR,
KALLAHALLI SOUTH,
MANDYA-571401
33. SRI.P.Y YADUNANDAN
S/O.SRI.P.K.VARAHA MURTHY ACHAR,
AGED ABOUT 48 YEARS,
R/A.NO.37/1, 5TH MAIN ROAD,
BENGALURU-560018
34. SMT. VINODA BHAT,
W/O.SRI.P.S.VITTALA,
AGED ABOUT 60 YEARS,
R/A.NO.T-11, PERODY PALACE APARTMENT,
NO.54, VIJAYA SHREE LAYOUT,
KODI CHIKKANAHALLI,
BENGALURU-560076
35. SRI. VARADARAJAN P.K.
S/O.K.N.MANI LYER,
AGED ABOUT 65 YEARS,
R/A.B-12, SASHANK
FLORENTO, AMBA BHAWANI TEMPLE ROAD,
DODDABETTAHALLI,
VIDYARANGAPURA POST OFFICE,
BENGALURU-560097
36. SRI. MANOHAR K.N.
S/O.LATE SRI. K.NARASIMHA MURTHY,
AGED ABOUT 63 YEARS,
R/A. MALNAD MEDICALS,



AZAD ROAD, THIRTHAHALLI,
SHIVAMOGGA DISTRICT -577432

37. SRI.MOHAN K.N
S/O.SRI.K.NARASIMHA MURTHY,
AGED ABOUT 55 YEARS,
R/A. MALNAD MEDICALS,
AZAD ROAD, THIRTHAHALLI,
SHIVAMOGGA DISTRICT -577432
38. SRI.MURALIDHAR K.N,
S/O.LATE SRI. K.NARASIMHA MURTHY,
AGED ABOUT 66 YEARS,
R/A. MALNAD MEDICALS, AZAD ROAD,
THIRTHAHALLI,
SHIVAMOGGA DISTRICT -577432
39. SRI.K.R.JAGADISH,
S/O.LATE DR.RAMA BHAT,
AGED ABOUT 74 YEARS,
R/A. DENTAL SURGEON,
AZAD ROAD, THIRTHAHALLI,
SHIVAMOGGA DISTRICT-577432
40. SRI.DR.RAVI H.B,
S/O.SRI. BOKKE GOWDA,
AGED ABOUT 55 YEARS,
R/A. NO. 1584/1-1, K.R.ROAD,
VIDYANAGAR,
MANDYA-571401
41. SRI.T.N.KRISHNA MURTHY,
S/O.LATE SRI.T.N.NARASIMHA MURTHY
AGED ABOUT 68 YEARS,
R/A. NO.102/1-1, BHAGYASHREE NILAYA,



8TH CROSS ROAD DOWN,
MALLESHWARAM,
BENGALURU-560003

42. SMT. MANJULA RAMESH,
W/O.SRI.C.S.RAMESH,
ABOUT 51 YEARS,
R/A.NO. DOOR NO.17-B, 14TH BLOCK,
SBM COLONY, SRIRAMAPURAM 2ND STAGE,
MYSORE-570023

REPRESENTED BY HER GPA HOLDER
SRI.C.S.RAMESH
S/O.SHESHAGIRI RAO,
AGED ABOUT 61 YEARS,
R/A.NO.DOOR NO.17-B,
14TH BLOCK, SBM COLONY,
SRIRAMAPURAM 2ND STAGE,
MYSORE-570023

43. SMT.N.NAGALATHA BADARI PRASAD
W/O.SRI.R.BADARI PRASAD,
AGED ABOUT 55 YEARS,
R/A.(OLD NO.16/1) NO.31,
8TH CROSS, SWIMMING POOL EXTENSION,
MALLESHWARAM,
BENGALURU-560003

44. SRI. R.BADARI PRASAD,
S/O. LATE A.M.RAMANATHA RAO,
AGED ABOUT 60 YEARS
R/A.(OLD NO.16/1) NO.31,
8TH CROSS, SWIMMING POOL EXTENSION,
MALLESHWARAM,
BENGALURU-560003



45. SMT.SARASWATHI R,
W/O.SRI.S.R.SANKARAN,
AGED ABOUT 68 YEARS,
R/A.NO.93, D POCKET,
I MAYUR VIHAR
DELHI-110091

REPRESENTED BY HER GPA HOLDER
SRI.P.K.VARADARAJAN,
S/O.LATE SRI.N.K.MANI IYER,
R/A.NO.B-012, SASHANK FLORENTO,
AMBA BHAWANI TEMPLE ROAD,
VIDYARANYAPURA PO,
BENGALURU-570097

46. SRI.M.KRISHNAN,
S/O.SRI.K.MUNISWAMY,
AGED ABOUT 74 YEARS,
R/A. NO.76, 5TH MAIN,
II PHASE, W.C.R. MANJUNATHANAGAR,
RAJAJINAGAR.
BENGALURU-560010

47. SRI.K.V.SETTY,
S/O.KRISHNAIAH SETTY,
AGED ABOUT 69 YEARS
R/A.NO.51, SREE GAYATHRI GANESH MANDIR
WARD, 6TH MAIN ROAD,
4TH PHASE, 7TH BLOCK,
BSK 3RD STAGE
BENGALURU-560085

48. SRI. RAKESH V,
S/O.SRI.K.V.SETTY



AGED ABOUT 38 YEARS,
R/A.NO.51, SREE GAYATHRI GANESH MANDIR
WARD, 6TH MAIN ROAD,
4TH PHASE, 7TH BLOCK,
BSK 3RD STAGE
BENGALURU-560085

49. SRI.V.VINAY,
S/O.SRI.K.V.SETTY,
AGED ABOUT 38 YEARS
R/A.NO.51, SREE GAYATHRI GANESH MANDIR
WARD, 6TH MAIN ROAD,
4TH PHASE, 7TH BLOCK,
BSK 3RD STAGE
BENGALURU-560085

50. SMT.MANJULA CHANDRASHEKARA,
W/O.SRI.P.CHANDRASHEKARA,
AGED ABOUT 52 YEARS,
R/A.NO.1337, 3RD MAIN ROAD,
5TH B CROSS, PRAKASH NAGAR,
BENGALURU-560021

51. SMT. USHA PRADEEP
W/O.K.P.PRADEEP,
AGED ABOUT 48 YEARS,
R/A.NO.853/A, "PANCHAVADI",
10TH CROSS, DEVANARAPALYA,
BENGALURU-560054

...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. 779/2025 FORTHWITH WITHOUT GRANTING FURTHER TIME TO R-1 TO 51 HEREIN AS SUFFICIENT TIME IS ALREADY GRANTED TO THEM TO FILE OBJECTIONS AND 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 07.05.2016 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 Sri.Devanna, mother of respondent Nos.1, 2 and 4, by virtue of a registered agreement to sell on 07.05.2016, 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.14 had previously entered into an unregistered sale agreement also with Late Sri.Devanna 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.14 has formed a layout and sold sites to proposed respondent Nos.16 to 51 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 13, and proposed respondents No.16 to 51 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.: 5