



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CIVIL PETITION No.95 OF 2025

BETWEEN:

1. SMT. THIRTHA KUMARASWAMY
AGED 70 YEARS
W/O KUMARASWAMY
R/T A-022 BEARY'S LAKESIDE HABITAT
NO.18, SHANTHIVANA KODIGEHALI
BENGALURU -560 092
2. SMT. NAGARATHA V
AGED 49 YEARS
W/O THIMMAIAH
R/T NO.764, 4TH C CROSS
NEAR SHANGARNAG BUS STAND
KAMALANAGARA
BENGALURU -560 079

...PETITIONERS

(BY SRI. S VENKATESHWARAN, ADVOCATE)

AND:

SRI K B MALLESH
AGED 60 YEARS
S/O LATE BASVEGOWDA
KARIGANAHALLI KUNDUR HOBLI
ALUR TALUK, HASSAN DISTRICT
KARNATAKA -573111

...RESPONDENT

(BY SRI OMKAR BASAVA PRABHU, ADVOCATE)

THIS CIVIL PETITION IS FILED UNDER SECTION 24 OF CIVIL PROCEDURE CODE PRAYING TO TRANSFER THE ORIGINAL SUIT (OS) NO. 288/2024 PENDING BEFORE THE HONBLE CIVIL COURT AND JMFC ALUR, HASSAN DISTRICT TO PRINCIPAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU WHERE PETITIONER ARE RESIDING.

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Location:
HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

The petition is filed under Section 24 of the Code of Civil
Procedure with the following prayer:

*"Transfer the Original Suit (OS)No.288/2024 pending
before the Hon'ble Civil Court and JMFC Alur Hassan
District to Principal City Civil and Sessions Judge
Bengaluru where petitioners are residing."*

2. Facts in brief which are utmost necessary for disposal of
the petition are as under:

A suit came to be filed by the respondent on the file of
Civil Judge and JMFC, Alur, Hassan District, in O.S No.288/
2024. The said suit is for bare injunction in respect of the
following suit property hereinafter referred to as 'suit property':

“ಅನುಸೂಚಿ

ಹಾಸನ ಜಿಲ್ಲೆ ಆಲೂರು ತಾಲೂಕು ಕುಂದೂರು ಹೋಬಳಿ ಕೇಂಚನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ
ಇರುವ ಸ್ವತ್ತಿನ ವಿವರ

1) ಸರ್ವೆ ನಂಬರ್ 8/4 ಎಮ್ ಆರ್ ಟಿ 1/2016-17 ಖಾತಾ ನಂಬರ್ 16ರಲ್ಲಿ ಒಟ್ಟು

ವಿಸ್ತೀರ್ಣ 3-00 ಎಕರೆ ಜಮೀನು ಇದಕ್ಕೆ ಚಕ್ಕು ಬಂದಿ:

ಪೂರ್ವಕ್ಕೆ : ಹಸಗನೂರು ಕೆರೆ

ಪಶ್ಚಿಮಕ್ಕೆ : ಕಾರಿಗನಹಳ್ಳಿ ರತ್ನಮ್ಮ ಬಿನ್ ಬಸವೇಗೌಡರ ಜಮೀನು



HC-KAR

NC: 2025:KHC:40444
CP No. 95 of 2025

ಉತ್ತರಕ್ಕೆ : ಜಯಂತ್ರವರ ಜಮೀನು
ದಕ್ಷಿಣಕ್ಕೆ : ಸರ್ವೆ ನಂಬರ್ 8/2 ಮತ್ತು 8/3 ಜಮೀನು ಹಾಗೂ
ವಿಜಯಕುಮಾರ್ ಮತ್ತು ಹಸಗನೂರು ಶೇಖರರವರ ಜಮೀನು.

2) ಸರ್ವೆ ನಂಬರ್ 8/1 ಎಮ್ ಆರ್ ನಂಬರ್ 6/98-99 ಖಾತಾ ನಂಬರ್ 21ರಲ್ಲಿ
ಒಟ್ಟು 3-30 (ಮೂರು ಎಕರೆ ಮೂವತ್ತು ಗುಂಟೆ) ಜಮೀನು ಇದಕ್ಕೆ ಚಕ್ಕು ಬಂದಿ:
ಪೂರ್ವಕ್ಕೆ : ಎಚ್ ಸಿ ವಿಜಯ ಕುಮಾರ್ ಮತ್ತು ರತ್ನಮ್ಮರವರ ಸ್ವತ್ತು
ಪಶ್ಚಿಮಕ್ಕೆ : ರತ್ನಮ್ಮ ಬಿನ್ ಬಸವೇಗೌಡರ ಜಮೀನು
ಉತ್ತರಕ್ಕೆ : ಸರ್ವೆ ನಂಬರ್ 8/4 ರ ಬಾಬತ್ತು ಜಮೀನು
ದಕ್ಷಿಣಕ್ಕೆ : ಎಚ್ ಸಿ ಸೋಮಶೇಖರರವರ ಜಮೀನು. ಒಂದೇ
ಲಾಟಿನಲ್ಲಿರುವ ಜಮೀನುಗಳು.”

3. Respondent filed a suit for injunction based on the power of attorney said to have been executed by the first petitioner in his favour coupled with interest and he is in possession of the suit property.

4. In the meantime first petitioner-Smt.Thirtha Kumaraswamy having sold the property in favour of Smt.Nagarathna-second petitioner, submits that she is not a necessary party before the Trial Court. If it is so, she can file necessary application before the Trial Court.



5. Further, since the suit property is situated in Alur Taluk, Hassan District, and suit is one for bare junction, the petition relief cannot be granted, as no part of cause of action has taken place in Bengaluru.

6. Only on the ground that first petitioner and second petitioner are residing in the Bengaluru would not make out a case for transfer of pending suit from Aluru to Bengaluru. Therefore, the petition needs to be dismissed.

7. However, if the first petitioner is no way connected with the suit property having sold the suit property in favour of petitioner No.2, necessary orders may be obtained by the petitioner No.1 before the Trial Court. If any such application is filed by the petitioner No.1, same shall be dealt with in accordance with law by the Trial Court.

8. Further, taking note of the video conferencing Rules in place and petitioner No.2 being a lady, if an application is filed before the Trial Court to conduct the trial through videoconferencing, the Trial Court shall permit petitioner No.2 to participate in the Trial through video conferencing.



9. With that observation the following:

ORDER

Civil Petition is ***dismissed***.

**Sd/-
(V SRISHANANDA)
JUDGE**

kcm
List No.: 1 Sl No.: 42