



HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 5989 OF 2026 (GM-CPC)

BETWEEN:

1. SHASHIKALA M V
W/O S.V. SURESH,
AGED ABOUT 70 YEARS,
R/AT NO. 10/12, 1ST CROSS,
1ST BLOCK, JAYANAGAR,
BENGALURU-560011.
2. SUMA M.V.
W/O J. ASHWATHNARAYANAPPA,
AGED ABOUT 66 YEARS,
R/AT NO. 62-F, 1ST FLOOR, 6TH MAIN,
5TH BLOCK, JAYANAGAR,
BENGALURU-560041.

...PETITIONERS

(BY SRI. SAMARTH S. MURTHY, ADVOCATE FOR
SRI. S.G. MUNISWAMY GOWDA, ADVOCATE)

AND:

1. M.P. SHREYAS
S/O LATE M.V. PRAKASH,
AGED ABOUT 27 YEARS,
R/AT NO. 62-F, 1ST FLOOR,
6TH MAIN, 5TH BLOCK,
JAYANAGAR,
BENGALURU-560041.
2. M.P. CHAITANYA
S/O LATE M.V. PRAKASH,
AGED ABOUT 24 YEARS,
R/AT NO. 62-F, 1ST FLOOR,
6TH MAIN, 5TH BLOCK,





JAYANAGAR,
BENGALURU-560041.

...RESPONDENTS
(BY SRI. C.V. ANNAIAH, ADVOCATE FOR C/R1 AND R2)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 27/01/2026 ON IA NO.1/2023 FILED BY THE PLAINTIFFS PASSED BY THE LXII ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN OS NO.7137/2023 ENCLOSED AS ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioners seek the following reliefs:

"A. Issue a Writ of Certiorari or any other appropriate Writ or direction by quashing the order dated 27/1/2026 on I.A. No. 1/2023 filed by the plaintiffs passed by the LXII Addl. City Civil and Sessions Judge, Bengaluru in O.S. No. 7137/2023 enclosed as ANNEXURE-A;

B. Any other appropriate writ or direction as this Hon'ble Court deems fit under the circumstances of the case, in the interest of justice, equity and good conscience;

C. Impose extraordinary costs on the plaintiffs. "

2. Heard learned counsel for the petitioners and learned counsel for the respondents and perused the material on record.



3. A perusal of the material on record will indicate that the respondents-plaintiffs are the children of late M.V. Prakash, who is none other than the deceased brother of the petitioners, who are defendants in the aforesaid suit filed by the respondents-plaintiffs against the petitioners-defendants. The said suit is being contested by the petitioners-defendants. During the pendency of the suit, the respondents-plaintiffs filed two applications viz., I.A.No.1 under Section 151 CPC for a direction to the petitioner to deposit Rs.50 Lakhs during the pendency of the suit and another application under Order XI Rule 14 CPC for a direction to the petitioners to produce the accounts in relation to the suit schedule properties. The respondents did not press the said application filed under Order XI Rule 14 CPC, but pursued their request in respect of the other application under Section 151 CPC, which was contested by the petitioners and culminated in the impugned order passed by the Trial Court directing the petitioners to deposit Rs.50 Lakhs in the suit before the Trial Court. Aggrieved by the impugned order passed by the Trial Court on I.A.No.1, petitioners are before this Court by way of the present petition.



4. A perusal of the impugned order will indicate that without directing the petitioners to furnish accounts in relation to the suit schedule properties, the Trial Court clearly fell in error in directing the petitioners to deposit the said amount without there being any determination/adjudication of the amount alleged to be deposited by the petitioners in the Court.

5. Under these circumstances though several contentions have been urged by both sides in support of their respective claims, without expressing any opinion on the merits/demerits of the rival contentions, I deem it just and appropriate to set aside the impugned order and remit the matter back to the Trial Court for reconsideration of I.A.No.1 filed by the respondents under Section 151 CPC, after the petitioners produces accounts, details, particulars etc. as regards the rents, profits etc., accruing from the suit schedule properties by issuing certain directions.

6. In the result, I pass the following:

ORDER

- (i) The petition is hereby allowed.
- (ii) The impugned order dated 27.01.2026 passed on I.A.No.1 in O.S. No.7137/2023 by the LXII Addl.



City Civil and Sessions Judge, Bengaluru, is hereby set aside.

- (iii) The matter is remitted back to the Trial Court for reconsideration of I.A.No.1 filed under Section 151 CPC afresh and in accordance with law.
- (iv) Before reconsidering I.A.No.1 afresh and in accordance with law, the petitioners are directed to produce the accounts, documents, details, particulars etc., in relation to the profits, rents etc., accruing from the suit schedule properties on the next date of hearing of the suit and furnish a copy of the same to the respondents-plaintiffs.
- (v) Immediately upon the petitioners furnishing details, documents, accounts, particulars etc., in relation to the rents, profits etc., arising from the suit schedule properties, the Trial Court shall hear both sides and reconsider and pass appropriate orders on I.A.No.1 afresh and in accordance with law, within a period



of one month from the date of receipt of a copy of
this order.

- (vi) All rival contentions on all aspects of the matter are
kept/left open and no opinion is expressed on
merits/demerits of the rival contentions.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**