



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

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

WRIT PETITION NO.6753 OF 2026 (GM-CPC)

BETWEEN:

T L MANJUNATH
S/O T.M. LAKSHMAIAH,
AGED ABOUT 50 YEARS,
RESIDING AT NO.145/3,
TAVAREKERE VILLAGE,
NANDAGUDI HOBLI,
HOSAKOTE TALUK,
BANGALORE RURAL DIST - 562 122.

...PETITIONER

(BY SMT. SUMATHI S., ADVOCATE)

AND:

1. T M NAGARAJA
S/O LATE MUNIYAPPA,
AGED ABOUT 51 YEARS,
RESIDENTS OF TAVAREKERE VILLAGE,
HOSAKOTE TALUK,
NANDAGUDI HOBLI - 562 122.
BENGALURU RURAL DISTRICT

2. THE TAHSILDAR,
HOSAKOTE TALUK,
HOSAKOTE – 562 122.

3. THE SPECIAL TAHSILDAR,
HOSAKOTE TALUK,
HOSAKOTE -562 122.

...RESPONDENTS





THIS W.P IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, DIRECTION OR ORDER IN THE NATURE OF MANDAMUS DIRECTING THE II ADDL. CIVIL JUDGE AND JMFC, HOSAKOTE IN O.S NO.265/2022 TO PASS SUITABLE ORDERS ON MAINTAINABILITY OF THE SUIT UNDER THE LAW IN VIEW OF PENDENCY OF SUBSEQUENT COMPREHENSIVE SUIT FOR DECLARATION AND PERMANENT INJUNCTION IN O.S.NO.330/2023 ON FILE OF LEARNED PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, HOSAKOTE, BY CONSIDERING THE IA UNDER ORDER VII RULE 11 OF CPC WITHIN A TIME BOUND PERIOD AS THIS HON'BLE COURT DEEMS FIT IN FACTS AND CIRCUMSTANCES OF THIS CASE AND ISSUE ANY OTHER WRIT, DIRECTION OR ORDER WHICH DEEMS FIT UNDER THE CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

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, petitioner seeks the following reliefs:

“(i) Issue a writ, direction or order in the nature of mandamus directing the II Addl. Civil Judge and JMFC, Hosakote in O.S.No.265/2022 to pass suitable orders on maintainability of the suit under the law in view of pendency of subsequent comprehensive suit for declaration and permanent injunction in O.S.No.330/2023 on file of learned Principal Senior Civil Judge and JMFC, Hosakote, by considering the IA under Order VII Rule 11 of CPC within a time bound period as this Hon’ble Court deems fit in facts and circumstances of this case

(ii) Issue any other writ, direction or order which deems fit under the circumstances of the case, in the interest of justice and equity.”

2. Learned counsel for the petitioner submits that

I.A.No.VI dated 14.09.2022 filed by the petitioner, who is defendant



No.1 in the suit in O.S.No.265/2022 has not been disposed of by the Trial Court even till today and as such, the petitioner is before this Court by way of the present petition.

3. The said submission is placed on record.

4. Accordingly, the Trial Court, before whom O.S.No.265/2022 is pending and said to be posted on 03.03.2026 is directed to dispose of I.A.No.VI dated 14.09.2022 filed in the said suit by the petitioner, who is defendant No.1 in the suit, in accordance with law, as expeditiously as possible preferably within a period of one month from 03.03.2026.

4. The parties are directed to co-operate with the Trial Court for expeditious disposal of the application.

5. 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.

6. Subject to the aforesaid directions, the petition stands ***disposed of.***

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