



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 8978 OF 2026 (GM-CPC)

BETWEEN:

1. DR. V. SRINIVAS,
S/O. LATE. G. VARADEGOWDA,
AGED ABOUT 59 YEARS,
RESIDING AT No.1801,
SECTOR No.2, HSR LAYOUT,
BENGALURU-560 102.

...PETITIONER

(BY SRI B. VIJAY SHETTY, ADVOCATE)

AND:

1. V. VARADARAJU,
S/O. LATE DR. G. VARADEGOWDA,
AGED ABOUT 64 YEARS,
RESIDING AT No.827, 11TH MAIN,
MICO LAYOUT, BTM LAYOUT 2ND STAGE,
BENGALURU-560 078.
2. SMT. PADMAVATHI,
W/O. DR. S. N. LINGEGOWDA,
AGED ABOUT 66 YEARS,
RESIDING AT No.92, 2ND FLOOR,
2ND CROSS, 3RD PHASE,
J.P. NAGAR, BENGALURU-560 069.
3. SMT. PREMA,
W/O. K. S. JAGADEESH,
AGED ABOUT 65 YEARS,
RESIDING AT No.1096,





JP NAGAR, 3RD PHASE,
JP NAGAR, BENGALURU-560 076.

4. SMT. K. T. BHAGYALAKSHMI,
W/O. DR. V. SRINIVAS,
AGED ABOUT 58 YEARS,
RESIDING AT No.1801,
SECTOR No.2, HSR LAYOUT,
BENGALURU-560 102.

...RESPONDENTS

(NOTICE TO RESPONDENTS DISPENSED WITH ON 24.03.2026)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO PASS APPROPRIATE ORDER FOR DISPOSAL OF THE APPLICATION IN I.A. No.8 FILED BY THE PETITIONER HEREIN UNDER ORDER XXXIX, RULE 1 AND 2, READ WITH SECTION 151 OF CPC, IN O.S. No. 254/2015, WHICH IS PENDING BEFORE THE HON'BLE SENIOR CIVIL JUDGE AND JMFC AT KANAKAPURA, AT THE EARLIEST AS MAY BE ORDERED BY THIS HON'BLE COURT ETC.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

Heard Sri B. Vijay Shetty, learned counsel appearing for the petitioner.

2. The present writ petition calls in question the action of the trial Court in not considering the application filed under Order XXXIX Rules 1 and 2 r/w Section 151 of the Code of Civil Procedure, 1908 ("CPC" for short), in O.S. No.254/2015.



2.1 Respondent No.1 instituted a suit in O.S. No.4/2005 for partition before the Court of the Civil Judge (Junior Division) at Kanakapura. Subsequently, upon transfer to the Court of the Senior Civil Judge, the said suit was renumbered as O.S. No.254/2015. The petitioner, who is defendant No.1, filed a counterclaim in the said suit. The plaint was thereafter amended. It is alleged that the plaintiff interfered with and commenced demolition of the properties which are the subject matter of the counterclaim.

2.2 In that regard, the petitioner/defendant No.1 filed an application seeking an order of injunction restraining the plaintiff from altering the nature of the property described at Sl. No.1 of the counterclaim. The said application, when taken up for consideration, was adjourned at the request of the plaintiff. However, pending consideration of I.A. No.8 filed by the plaintiff, the trial Court proceeded to consider the I.A. No.9 filed by the plaintiff under Order VI Rule 17 of the CPC.

3. Sri B. Vijay Shetty, learned counsel appearing for the petitioner, submits that, despite urgency having been pleaded for consideration of I.A. No.8, the trial Court, at the



instance of the plaintiff, has unnecessarily adjourned the matter. Taking advantage of the delay in consideration of I.A. No.8, the plaintiff is stated to be continuing to alter the nature of the property, which is the subject matter of the said application.

4. Having considered the submissions made by the learned counsel for the petitioner, this Court proposes to pass an order dispensing with notice to the respondents. The application under Order XXXIX Rules 1 and 2 r/w Section 151 of the CPC was filed on 24.10.2025. Thereafter, objections to I.A. No.8 were filed by the plaintiff on 05.12.2025. The trial Court heard the arguments on I.A. No.8 on 03.02.2026 and thereafter adjourned the matter for further hearing on the said application. However, without passing orders on I.A. No.8, the trial Court proceeded to consider I.A. No.9 filed by the plaintiff under Order VI Rule 17 of the CPC.

5. This Court finds no valid reason preventing the trial Court from passing orders on I.A. No.8. When urgency is pleaded in an application, it is incumbent upon the trial Court to consider and adjudicate the same expeditiously. Any delay in



consideration of such application ought not to result in further complications or cause prejudice to the parties.

6. When arguments were already heard on I.A. No.8, this Court also notices that, on 09.03.2026, the trial Court unnecessarily adjourned the matter to 03.07.2026. Such prolonged adjournments are wholly unjustifiable.

7. In the light of the above observations, the following:

ORDER

- (i) The trial Court is directed to decide the application on I.A. No.8 within three weeks from the date of production of copy of this order.
- (ii) The petitioner is at liberty to file application to advance the case enclosing copy of this order with intimation to the other counsel for other parties.
- (iii) With the above observations, the writ petition stands disposed of.

Sd/-
(K. V. ARAVIND)
JUDGE