



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 9253 OF 2026 (GM-CPC)

BETWEEN:

1. KUM. NIHARIKA G T
AGED ABOUT 12 YEARS
D/O RADHA G
RESIDING AT NO.30
HARSHA CHAKRAVATHI ROAD
CORPORATION QUARTERS
BENGALURU SOUTH
GAVIPURAM EXTENSION
BENGALURU 560 019.

REPRESENTED BY HER MOTHER AND
NATURAL GUARDIAN
MRS. RADHA.G
AGED ABOUT 34 YEARS
D/O SRI.GOVINDA R
RESIDING AT NO.30
HARSHA CHAKRAVATHI ROAD
CORPORATION QUARTERS
BENGALURU SOUTH
GAVIPURAM EXTENSION
BENGALURU 560 019.

...PETITIONER

(BY SRI. NAGARAJ R.,ADVOCATE)

AND:

1. LATE SRI. SRINIVASAPPA
AGED ABOUT 76 YEARS,
S/O LATE. SRI. HANUMANTHAPPA





2. SMT. VISHNU PRIYA G.S.,
AGED ABOUT 49 YEARS,
D/O LATE. SRI. SRINIVASAPPA G.H
3. SRI. G.S HARISH
AGED ABOUT 49 YEARS,
S/O LATE. SRI. SRINIVASAPPA G.H
4. SRI. G.S THRILOK AKA TRILOK
AGED ABOUT 43 YEARS,
S/O LATE. SRI. SRINIVASAPPA G.H
5. MASTER. VIVAN NAVYATH M H
AGED ABOUT 6 YEARS,
S/O SMT. VISHNU PRIYA G.S
6. MASTER. HEMANTH KUMAR G.H
AGED ABOUT 14 YEARS
S/O SRI. HARISH G.S
7. KUM. LASINI G.H
AGED ABOUT 11 YEARS
D/O SRI. HARISH G.S
R6 AND R8 ARE MINORS REP.
BY THEIR NATURAL GUARDIAN
AND FATHER SRI. G.S HARISH(R3)

RESPONDENT NOS.1 TO 7 ARE
ALL RESIDING AT NO.23, DASARA BEEDI
GUNJUR VILLAGE, VARTHUR
BENGALURU EAST, BENGALURU-560 087.

8. M/S. AGASTHYA BUILDERS AND DEVELOPERS
A REGISTERED PARTNERSHIP FIRM
HAVING ITS REGISTERED OFFICE AT
VILLA NO.14, TIRUMALA ENCLAVE
HALASAHALLI-THIPPASANDRA CROSS ROAD
BEHIND VARTHUR POLICE STATION
VARTHUR, BENGALURU-560 087.



REPRESENTED BY ITS MANAGING PARTNER
SRI. DUDDUGUNTA VENKATA SIVA
NARAYANA REDDY

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE LEARNED TRIAL COURT FOR EXPEDITIOUS DISPOSAL OF IA NO.3 IN OS NO.1945/2024 ANNEXURE-A, FILED ON 04.11.2024 BEFORE THE VII ADDL. PRL. SENIOR CIVIL JUDGE AND JMFC BENGALURU RURAL DISTRICT, BENGALURU WITHIN 30 DAYS FROM THE DATE OF THE ORDER PASSED BY THIS HON'BLE COURT AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner-plaintiff has sought the following reliefs:

"(a) Issue a writ in the nature of Mandamus or any other appropriate Writ, order or direction, directing the learned Trial Court for expeditious disposal of I.A No.3 in O.S No.1945/2024 (ANNEXURE-A), filed on 04.11.2024 before the VII Addl. Prl. Senior Civil Judge & JMFC, Bengaluru Rural District, Bengaluru



within 30 days from the date of the order passed by this Hon'ble Court;

(b) Direct the learned Trial Court not to grant unnecessary adjournments, except for unavoidable reasons recorded in writing, as may be deemed fit by this Hon'ble Court.

(c) Pass such other order as it deems fit to grant in the circumstances of the case, to meet the ends of justice."

2. For the sake of convenience, the parties are referred to as per their ranking before the Principal Senior Civil Judge, Bengaluru Rural District (hereinafter referred to as 'Trial Court' for short) in Original Suit.

3. The plaintiff filed a suit in O.S.No.1945/2024 before the Trial Court seeking relief of declaration, partition and permanent injunction. Along with the plaint, plaintiff also filed I.A.No.III under Order XXXIX Rule 1 and 2 of CPC seeking an injunction order against the defendants (respondents herein). After issuance of suit summons, the defendants appeared and filed written statement. So far,



no order has been passed on I.A.No.III. Therefore, the present writ petition is filed seeking for early disposal of the said application.

4. Since I.A.No.III filed by the plaintiff under Order XXXIX Rules 1 and 2 of the CPC is pending consideration, and the respondents-defendants have already appeared and filed their written statement, this Court deems it appropriate to dispose of the writ petition with a direction to the Trial Court to dispose of the said application as expeditiously as possible.

5. Accordingly, the following order is passed:

ORDER

- a) The writ petition is ***disposed of.***
- b) The Trial Court is directed to dispose of I.A.No.III in accordance with law and as expeditiously as possible, not later than three months from the date of receipt of a certified copy of this order.



- c) Parties are directed to co-operate for early disposal of the application.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

HA
List No.: 1 Sl No.: 26