



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. 19423 OF 2024 (GM-CPC)

BETWEEN:

1. SRI S. RAJANNA,
S/O LATE SIDDAVEERAIHAH,
AGED ABOUT 52 YEARS,
RESIDING AT
SHANTHEGOWDANAPALYA,
HEGGUNDA DHAKLE,
SOMPURA HOBLI,
NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT,
KARNATAKA 562111.

...PETITIONER

(BY SRI JAYARAJ D. S., ADVOCATE)

AND:

1. SRI. PRAKASH,
S/O LATE GANGAIAH,
AGED ABOUT 53 YEARS,
2. SMT. RANGAMMA
W/O PRAKASH,
AGED ABOUT 43 YEARS,
RESPONDENT Nos. 1 AND 2
ARE RESIDING AT
No.806, 5TH CROSS,
VIJAYANANDANAGAR,
NANDINI LAYOUT,
BENGALURU 560096.





3. SMT. KENCHAMMA,
W/O LATE NANJIAIAH,
URF NANJUNDAIAH,
AGED ABOUT 76 YEARS,
4. SRI EKAKSHI,
S/O LATE NANJIAIAH,
URF NANJUNDAIAH,
AGED ABOUT 56 YEARS,
5. SMT. RAMAKKA,
W/O SRI EKAKSHI,
AGED ABOUT 40 YEARS,

RESPONDENT Nos.3 TO 5 ARE
RESIDING AT KARIMANNE VILLAGE,
HEGGUNDA DHAKLE,
SOMPURA HOBLI,
NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT,
KARNATAKA 562111.

6. SMT. SAVITHRAMMA,
W/O LATE HANUMAIAH,
AGED ABOUT 65 YEARS,
7. SRI MANJUNATHA,
S/O LATE HANUMAIAH,
AGED ABOUT 43 YEARS,
8. SMT. LAKSHMAMMA
W/O MANJUNATH,
AGED ABOUT 40 YEARS,

RESPONDENT Nos.6 TO 8 ARE
RESIDING AT CHINNAMANNE VILLAGE,
MANDAGHATTA POST,
AYANUR HOBLI,
SHIVAMOGGA TALUK AND DISTRICT,
KARNATAKA 577211.



9. SRI JAYANNA,
S/O LATE KRISHNAPPA,
AGED ABOUT 40 YEARS,
10. SMT. LAKSHMAMMA,
W/O JAYANNA,
AGED ABOUT 34 YEARS,

RESPONDENT Nos.9 AND 10 ARE
RESIDING AT MATHIGHATTA VILLAGE,
BHADRAPURA POST,
SHIKARILPURA TALUK,
SHIVAMOGGA DISTRICT,
KARNATAKA 577427.

11. SRI RANGADHAMAIAH,
S/O LATE HIKKALLAIAH,
AGED ABOUT 58 YEARS,
12. SMT. NANDAMMA,
W/O RANGADHAMAIAH,
AGED ABOUT 52 YEARS,
13. SRI RAVI,
S/O RANGADHAMAIAH,
AGED ABOUT 35 YEARS,

RESPONDENT Nos. 11 TO 13 ARE
RESIDING AT CHINNAMANNE VILLAGE,
MANDAGHATTA POST,
AYANUR HOBLI, SHIVAMOGGA
TALUK AND DISTRICT,
KARNATAKA 577211.

14. SRI NAGARAJAIAH,
S/O LATE RANGAIAH,
AGED ABOUT 46 YEARS,
RESIDING AT MARAGONDANAHALLI VILLAGE,
URDIGERE HOBLI,
TUMAKURU TALUK AND DISTRICT,
KARNATAKA 572140



SRI RANGANATHA HIKKALA
S/O LATE RANGAIAH,
[DIED DURING THE PENDENCY OF
SUIT PROCEEDINGS WITHOUT
ANY LEGAL REPRESENTATIVES]

15. SRI K. A. RAGHAVENDRA,
S/O LATE K. N. A. RAO,
AGED ABOUT 59 YEARS,
RESIDING AT No.445,
7TH MAIN, 33RD CROSS,
IV BLOCK, JAYANAGAR,
BENGALURU 560041.
16. SRI SRINIVASA MURTHY,
S/O LATE DASAPPA,
AGED ABOUT 47 YEARS,
R/AT BOMMASHETTAHALLY VILLAGE,
DASANAPURA HOBLI,
BENGALUR NORTH TALUK,
BENGALURU RURAL DISTRICT.

...RESPONDENTS

(NOTICE TO RESPONDENTS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 18.01.2018 PASSED ON I.A. No.1/2018 VIDE ANNEXURE-A i.e. IN ISSUING EMERGENT NOTICE ON THE SAID APPLICATION TO THE DEFENDANTS AND ALSO, IN DECLINING TO PASS AN ORDER ON I.A No.5 VIDE ANNEXURE-A1 THEREBY GRANTING AN AD-INTERIM ORDER OF TEMPORARY INJUNCTION RESTRAINING THE DEFENDANT Nos.16 AND 17 FROM ALTERING/DEVELOPING THE SCHEDULE PROPERTY IN ANY MANNER OF WHATSOEVER NATURE UNTIL DISPOSAL OF THE SUIT IN OS No.33/2018, PENDING CONSIDERATION BEFORE THE HON'BLE COURT OF SENIOR CIVIL JUDGE AND JMFC AT NELAMANGALA VIDE ANNEXURE-A3 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 D.S. Jayaraj, learned counsel for the petitioner.

2. The present writ petition is filed by the plaintiff in O.S. No.33/2018 on the file of the Senior Civil Judge and JMFC at Nelamangala [trial Court].

3. The writ petition contains several prayers. However, learned counsel appearing for the petitioner submits that the petition may be confined to seeking a direction to the trial Court to dispose of I.A. No.1/2018 in O.S. No.33/2018.

4. Considering the limited prayer made, and as issuance of such a direction would not prejudice the rights of the respondents, notice to the respondents is dispensed with.

5. The petitioner instituted O.S. No.33/2018 seeking the relief of specific performance of the agreement of sale dated 08.09.2015. In the said suit, I.A. No.1/2018 has been filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, seeking to restrain defendant Nos.16 and 17



from alienating the suit schedule property by way of sale, mortgage, or creation of any third-party encumbrance.

6. Learned counsel for the petitioner submits that the trial Court has not passed any order on the said application, though the same was pressed on numerous occasions.

7. Considering the submissions made by learned counsel for the petitioner, this Court finds no compelling reason for the trial Court to not have disposed of the said application. In response to a query by the Court, learned counsel submits that service of notice is complete and the defendants have filed their written statements. At this stage, there is no impediment for the trial Court to consider I.A. No.1/2018. The application has been pending since 2018, and if it is not considered, the rights of the plaintiff would be prejudiced by the creation of third-party interests.

8. In the light of the above, the trial Court is directed to dispose of I.A. No.1/2018 in O.S. No.33/2018, pending on the file of the Senior Civil Judge and JMFC at Nelamangala, within



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six weeks from the date of production of a copy of this order before the trial Court.

9. With the above observations, the writ petition stands ***disposed of.***

**Sd/-
(K. V. ARAVIND)
JUDGE**

MV
List No.: 1 Sl No.: 3