



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. 19389 OF 2025 (GM-CPC)

BETWEEN:

1. SRI C. M. NAGARAJ,
S/O LATE MUNIYAPPA,
AGED ABOUT 50 YEARS,
RESIDING AT No.289,
NEAR LAKSHMI CLINIC,
CHOKKASANDRA MAIN ROAD,
T.DASARAHALLI,
BANGALORE - 560 057

...PETITIONER

(BY SRI AMEYA A. FADNIS., ADVOCATE)

AND:

1. SMT. USHA NARAYANA RAO,
W/O LATE B.K. NARAYANA RAO,
AGED ABOUT 82 YEARS,
2. SMT. ANUPAMA ARJUN,
W/O LATE ARJUN BELMAR,
AGED ABOUT 53 YEARS
3. SRI. VISHRUDH A.,
S/O LATE ARJUN BELMAR,
AGED ABOUT 24 YEARS
4. SRI. ASHWIN BELMAR,
S/O LATE B.K. NARAYANA RAO,
AGED ABOUT 51 YEARS,





5. SRI. ABHISHEK BELMAR,
S/O LATE B.K. NARAYANA RAO,
AGED ABOUT 38 YEARS,

RESPONDENTS Nos.1 TO 5 ARE
RESIDING AT No.271, BELMAR ESTATE,
NAGASANDRA POST,
BANGALORE - 560 073.

...RESPONDENTS

(NOTICE TO RESPONDENTS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 04.04.2025 IN O.S. No.25389/2025 ON THE FILE OF THE LXXIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH-74) AT BENGALURU (ANNX-A).

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

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

ORAL ORDER

Heard Sri Ameya A. Fadnis, learned counsel for the petitioner.

2. The petitioner has instituted O.S. No.25389/2025, pending on the file of the LXXIII Additional City Civil and Sessions Judge, Bengaluru [trial Court], against the respondents, seeking a decree for specific performance of the agreement of sale dated 28.03.2022.



3. In the said suit, the petitioner filed I.A. No.1 under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, seeking to restrain the defendants from creating third-party rights. The trial Court, under the impugned order dated 04.04.2025, ordered issuance of notice, holding that no *prima facie* case was made out. It is submitted that, upon completion of service of notice, the defendants have filed their written statement and the suit is now at the stage of framing of issues. Learned counsel for the petitioner submits that the trial Court has not considered I.A. No.1, though the same was pressed.

4. Having considered the submissions made by learned counsel for the petitioner–plaintiff, and having recorded that no *prima facie* case was made out for grant of an *ex parte* interim order, the trial Court issued notice on I.A. No.1 to the defendants. Upon appearance of the defendants, the trial Court is bound to dispose of the application in accordance with law.

5. This Court finds no valid reason for the trial Court not disposing of I.A. No.1. If I.A. No.1 is not considered, any right that may accrue in favour of the plaintiff would be prejudiced, and the petitioner would be deprived of the remedies available



under law. In view of the order proposed to be passed by this Court, notice to the respondents is dispensed with.

6. The trial Court is directed to consider and dispose of the I.A. No.1 in O.S. No.25389/2025, pending on the file of the LXXIII Additional City Civil and Sessions Judge, Bengaluru, within a period of four weeks from the date of production of a copy of this order before the trial Court.

The petitioner is at liberty to advance the suit, if necessary.

7. With the above observations and directions, the writ petition is ***disposed of.***

Sd/-
(K. V. ARAVIND)
JUDGE

MV
List No.: 1 Sl No.: 14