



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 24432 OF 2024 (GM-CPC)

BETWEEN:

ARPITHA K C
AGED ABOUT 30 YEARS (NOW 32)
D/O CHANNIGARAYAPPA
R/O KUGONAHALLI VILLAGE
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT.

...PETITIONER

(BY SRI. ANANTHARAM S N., ADVOCATE)

AND:

1. SRI CHANNIGARAYAPPA
AGED ABOUT 69 YEARS
S/O LATE MUNISHAMAPPA
2. SMT. NARASAMMA
AGED ABOUT 58 YEARS
W/O CHANNIGARAYAPPA
3. SRI ANIL KUMAR
AGED ABOUT 34 YEARS
S/O LATE CHANNABASAVIAH
4. SMT SUPRIYA K C
AGED ABOUT 31 YEARS
D/O CHANNIGARAYAPPA

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



R1 TO R4 ARE R/AT KUGONAHALLI VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK.

5. SMT. VEENA G
AGED ABOUT 38 YEARS
W/O NAGARAJU T K
R/AT NO.247, GOVERNMENT SCHOOL ROAD
JAKKUR VILLAGE AND POST
YELAHANKA HOBLI,
BENGALURU-560064.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDERS PASSED IN MISC. PETITION NO. 12/2022 BY THE SENIOR CIVIL JUDGE AND JMFC, DODDABALLAPURA, DATED 12/06/2024, THE IMPUGNED ORDER ENCLOSED AS ANNEXURE-C BE SET ASIDE AND ETC.

THIS PETITION, COMING ON FOR ORDER, 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 has called in question the order dated 12.06.2024 passed by the Addl. Senior Civil Judge and JMFC, Doddaballapura in Misc.No.12/2022 filed under Order IX Rule 9 of CPC



seeking to set-aside the order dated 07.01.2022 passed in O.S.No.228/2017 and thereby to restore the said suit.

2. The office has raised an objection regarding the maintainability of the writ petition, stating that the appropriate remedy available to the petitioner is to file an appeal under Order XLIII Rule 1(c) of the Code of Civil Procedure.

3. The objection raised by the office regarding maintainability of the writ petition, is upheld.

4. Accordingly, the writ petition is dismissed.

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

DM
LIST NO.: 1 SL NO.: 39