



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

WRIT PETITION NO. 2122 OF 2020 (GM-CPC)

BETWEEN:

SRI K.M. GURUSWAMY
S/O LATE MAHADEVAPPA
AGED ABOUT 54 YEARS
R/AT DOOR NO.172
KODANAHALLI VILLAGE
VARUNA HOBLI, SOMESHWARAPURA
POST, MYSURU TALUK - 571 311.

...PETITIONER

(BY SRI NANJUNDA SWAMY N, ADV.)

AND:

1. SRI P. GURUSWAMY
S/O LATE SRI PUTTABUDDHI
AGED ABOUT 49 YEARS
R/AT DOOR NO.50, F-6
2ND MAIN, 11TH CROSS
VIDYARANYAPURAM
MYSURU - 570 008.
2. SRI M. MAHADEV
S/O LATE M.L. MADIAH
AGED ABOUT 51 YEARS
R/AT DOOR NO.1063/115
A-1, F-12, 2ND MAIN, 9TH CROSS
VIDYARANYAPURAM, KHILLE MOHALLA
MYSURU - 570 008.

...RESPONDENTS

(BY SRI Y.V. PRAKASH, ADV., FOR
SRI Y.K. NARAYANA SHARMA, ADV., FOR R-1;
NOTICE TO R-2 IS H/S V/O/DATED 03.11.2025)



THIS W.P IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD.27.10.2018 PASSED ON INTERIM APPLICATION i.e I.A.1 FILED UNDER ORDER XXXVIII RULE 5 OF CPC READ WITH SECTION 151 OF CPC IN O.S.NO.492/2018 BY THE IV ADDL SENIOR CIVIL JUDGE AND JMFC MYSURU AS PER ANNEUXRE-F AND SET ASIDE/QUASH THE ORDER DTD,18.11.2019 PASSED ON INTERIM APPLICATION i.e IA NO.4 FILED UNDER ORDER XXXVIII RULES 8 AND 10 OF CPC READ WITH SECTION 15 10F CPC IN O.S.NO.492/2018 BY THE IV ADDL SENIOR CIVIL JUDGE AND JMFC MYSURU AS PER ANNEXURE-L BY ALLOWING THE SAID APPLICATIONA T ANNEXURE-J.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Learned Counsel for the parties submits that during the pendency of this writ petition, O.S.No.492/2018 pending before the Court of IV Addl. Senior Civil Judge & JMFC, Mysuru, out of which, this writ petition arises, has been disposed of, and therefore, this writ petition does not survive for consideration.
2. Learned Counsel for the petitioner submits that leaving open to the petitioner to urge the grounds raised in this petition as provided under Section 105 of CPC in an appeal that is preferred against the judgment and decree passed in O.S.No.492/2018, this writ petition may be dismissed as not pressed.



**NC: 2025:KHC:45593
WP No. 2122 of 2020**

3. The aforesaid submissions are placed on record. Writ petition is dismissed as not pressed, with liberty as prayed for.

**Sd/-
(S VISHWAJITH SHETTY)
JUDGE**

KK