



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 31149 OF 2025 (GM-CPC)

BETWEEN:

1. GANGONDANAHALLI GRAMA
ABHIVRUDHI VISHWASTHA MANDALI
(REGD) (REGISTERED UNDER INDIAN
TRUST ACT-1882), NO.5
VEERANJANEYASWAMY DEVASTANA
GANGONDANAHALLI
BANGALORE-560039
REP., BY ITS SECRETARY
SRI. A. SHIVALINGU
2. A. SHIVALINGU
S/O LATE ANKE GOWDA
AGED ABOUT 60 YEARS
SECRETARY
GANGONDANAHALLI GRAMA
ABHIVRUDHI VISHWASTHA MANDALI
(REGD), NO.5
VEERANJANEYASWAMY DEVASTANA
GANGONDANAHALLI
BANGALORE-560 039
3. SRI. PRAKASH
S/O MUNIVENKATAPPA
AGED ABOUT 56 YEARS
4. SRI. P. SIDDAPPA
S/O PUTTALINGAIAH
AGED ABOUT 66 YEARS

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



5. SRI. K.K. ASHWATH NARAYANA
S/O LATE KRISHNOJI RAO
AGED ABOUT 58 YEARS

6. SRI. B.K. GOVINDARAJ
S/O KARIYAPPA
AGED ABOUT 52 YEARS

7. SRI. A.C. GOPALA KRISHNA
S/O LATE CHUNCHAPPA
AGED ABOUT 63 YEARS

PETITIONER NOS.3 TO 7 ARE
TRUSTEES OF GANGONDANALLI GRAMA
ABHIVRUDHI VISHWASTHA MANDALI
(REGD) NO.5, VEERANJANEYA SWAMY
TEMPLE, GANGONDANAHALLI
BANGALORE-560 039

...PETITIONERS

(BY SMT. SOWBHAGYA D, ADVOCATE)

AND:

1. SRI. J. CHELUVARAJ
S/O LATE JOSEPH
AGED ABOUT 51 YEARS
R/AT NO.35, PUNYA NILAYA
3RD MAIN, 5TH CROSS
GANGONDANALLI, JOSEPH NAGAR
BANGALORE-560039

2. SRI. H. HANUMANTHARAYAPPA
S/O HANUMAIAH
AGED ABOUT 73 YEARS
PRESIDENT GANGONDANAHALLI GRAMA
ABHIVRUDHI VISHWASTHA MANDALI
(REGD), NO.5, VEERANJANEYA SWAMY



DEVASTANA, GANGONDANAHALLI
BANGALORE-560 039

...RESPONDENTS

(BY SRI. K.K. VASANTH, ADVOCATE FOR C/R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 20.09.2025 PASSED ON IA NO. 24 FILED BY THE PETITIONERS UNDER ORDER XXVI RULE 9 OF CPC IN OS NO. 2137/2013 PENDING ON THE FILE OF XII HONORABLE CITY CIVIL AND SESSIONS JUDGE, AT BANGALORE (CCH-27) WHICH IS AT ANNEX-A BY WAY WRIT OF CERTIORARI AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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 petitioners-defendant Nos.1, 4, 7 to 11 have called in question the order dated 20.09.2025 passed by the XII Addl. City Civil & Sessions Judge, Bengaluru on I.A.No.24 filed under Order XXVI Rule 9 read with Section 151 of CPC, in O.S.No.2137/2013, whereby the said application has been dismissed.



2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. The plaintiffs filed a suit in O.S.No.2137/2013 before the Trial Court seeking relief of declaration and possession. On service of suit summons, defendant appeared and filed written statement. On the basis of the pleadings of the parties, the trial Court has framed the issues and parties have adduced their evidence. When the matter was posted for argument, the defendants have filed I.A.No.24 under Order XXVI Rule 9 of CPC seeking for appointment of Court Commissioner to know the number of the suit schedule properties, its boundaries and possession of the defendant No.1 over the said suit schedule properties. The Trial Court by impugned order dated 20.09.2025 has dismissed the application. Aggrieved by the same, the petitioners are before this Court.



4. In the written statement filed by the defendants, they have claimed ownership of property they acquired through a gift deed dated 23.06.2004, which relates to a property bearing No.G1/28. Property bearing Nos.C42 and E23 are plaint schedule properties. The Trial Court has also framed an issue in respect of the stand taken by defendants. Therefore, the appointment of the Court Commissioner is nothing but collection of the evidence. It is for the parties to prove their case by giving evidence. Hence, the Trial Court has rightly rejected the application.

5. Viewed from any angle, there is no error or illegality in the impugned order passed by the Trial Court warranting interference by this Court.

6. Accordingly, the writ petition is **dismissed**.

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