



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. 39220 OF 2025 (GM-CPC)

BETWEEN:

1. SRI CHENNAKESHA RAO,
S/O. LATE VENKATARAMAN BAIRY,
AGED ABOUT 72 YEARS,
R/AT. NO.926/14, KOTESHWARA NILAYA,
2ND MAIN, 4TH BLOCK,
RAJAJINAGAR, BENGALURU - 560 010.

...PETITIONER

(BY SRI V. HARSHITH, ADVOCATE FOR
SMT. VEENA J. KAMATH, ADVOCATE)

AND:

1. SRI KOTILINGESHWARA TEMPLE,
KOTESHWARA,
KUNDAPURA TALUK,
UDUPI DISTRICT - 576 201
REP. BY ITS
MANAGING TRUSTEES.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION PRAYING TO DIRECT THE PRINCIPAL CIVIL JUDGE AND JMFC, KUNDAPURA UDUPI DISTRICT TO EXPEDITIOUSLY ADJUDICATE AND DISPOSES OF O.S.NO. 46/2022 AS PER ANNEXURE-'B' WITHIN A TIME BOUND MANNER FROM THE DATE OF THE ORDER.



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 Harshith V., learned counsel for Smt. Veena J. Kamath, learned counsel for the petitioner.

2. The instant writ petition is filed seeking a writ of *mandamus* for expeditious disposal of O.S. No.46/2022, pending on the file of the Prl. Civil Judge and JMFC, Kundapura (for short, "the trial Court").

3. The suit is one for permanent injunction against the defendant. The grievance made in the suit pertains to the obstruction caused by the defendant in blocking access to the plaintiff's property, where a commercial structure exists.

4. Learned counsel for the petitioner submits that the trial Court has passed an order of temporary injunction restraining the defendant from obstructing access. It is further submitted that, in disregard of the said order, the defendant continues to obstruct and has erected a wall. It is also



submitted that the trial Court has not made substantial progress in the matter, though urgency was pleaded having regard to the age of the plaintiff.

5. Considered the submission made by learned counsel for the petitioner.

6. Undisputedly, the suit is one for permanent injunction. The trial Court has granted an interim injunction to protect the right of access to the schedule property. The petitioner contends that the said order has been violated by the defendant. It is stated that a necessary application has been filed seeking appropriate action for disobedience of the order of temporary injunction, and the same is pending consideration.

7. Be that as it may, the suit is of the year 2022 and issues are yet to be framed even after three years. The petitioner/plaintiff is aged 72 years. Though no specific time frame for disposal of the suit can be fixed by this Court, having regard to the age of the plaintiff, the suit warrants expeditious disposal. The trial Court is directed to expedite the disposal of



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the suit, without granting unnecessary adjournments, subject to the cooperation of the parties.

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

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

DDU
List No.: 1 SI No.: 32