



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 5766 OF 2026 (GM-CPC)

BETWEEN:

1. SMT MAHALAXMI
W/O NARAYANA ANGINTHAYA THOTA
AGED ABOUT 71 YEARS
R/ AT NO.51/A, 4TH CROSS
LAKE ROAD, KOTHNUR DINNE MAIN ROAD
GAYATRI TAPOVANA, JP NAGAR
8TH PHASE, BANGALORE SOUTH
BANGALORE -560076.

2. SMT ARCHANA THOTA
W/O KIRAN KUDUMBAR
AGED ABOUT 39 YEARS
R/ AT NO.51/A, 4TH CROSS
LAKE ROAD, KOTHNUR DINNE MAIN ROAD
GAYATRI TAPOVANA, JP NAGAR
8TH PHASE, BANGALORE SOUTH
BANGALORE -560076.

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA

BOTH ARE REP. BY SPA AND GPA HOLDER
NARAYANA ANGINTHAYA THOTA
S/O LATE P KESHAVA ANGINTHAYA
AGED ABOUT 74 YEARS
R/ AT NO.51/A, 4TH CROSS, LAKE ROAD
KOTHNUR DINNE MAIN ROAD
GAYATRI TAPOVANA, J P NAGAR
8TH PHASE, BANGALORE SOUTH
BANGALORE -560076.

...PETITIONERS

(BY SRI. R.S.UMESH., ADVOCATE)



AND:

SRI ACHIYANDA RAMAKRISHNA
S/O LATE SUBBAMAIAH
SINCE DEAD. REP BY HIS LR'S

1. SMT. REVATHI A R
W/O LATE ACHIYANDA RAMAKRISHNA
AGED ABOUT 79 YEARS
2. SRI ACHIYANDA CHANDRASHEKAR
S/O LATE ACHIYANDA
RAMAKRISHNA
AGED ABOUT 60 YEARS
3. SRI ACHIYANDA VENUGOPAL
S/O LATE ACHIYANDA RAMAKRISHNA
AGED ABOUT 58 YEARS.
4. SRI ACHIYANDA UMESH
S/O LATE ACHIYANDA RAMAKRISHNA
AGED ABOUT 56 YEARS
ALL ARE R/AT HALLIGATTU VILLAGE POST
VIRAJPET TALUK, SOUTH KODAGU - 571216.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER DATED: 19.12.2025 PASSED ON IA NO. XII IN OS NO. 99/2017 BY THE SENIOR CIVIL JUDGE AND JMFC VIRAJPET I.E., ANNEXURE-A 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-defendants have sought the following reliefs:

a) Issue a writ of certiorari quashing the order dated 19.12.2025 passed on I.A. No. XII in O.S. No. 99/2017 by the Senior Civil Judge & JMFC, Virajpet i.e., Annexure A.

b) Allow I.A. No. XII filed under Order IX Rule 8 read with Section 151 CPC Annexure-B and consequently dismiss the suit of the Respondents in OS No.99/2017 i.e., Annexure-D.

c) Direct the trial court to dispose of suit in OS No.99/2017 within 3 months considering the age of the Petitioners as they are senior citizens.

d) Grant such other reliefs as this Hon'ble Court deems fit in the interest of justice and equity.

2. The learned counsel for the petitioners submits that he will not press prayers (a) and (b) of the writ petition and only seeks direction to the Trial Court to dispose of the suit, as expeditiously as possible. The said submission is placed on record.



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

4. The plaintiffs filed a suit in O.S.No.99/2017 before the Senior Civil Judge and JMFC, Virajpet, seeking relief of declaration. After issuance of suit summons, the defendants appeared and filed counter claim. On the basis of the pleadings of the parties, the Trial Court has framed issues. Now the matter is set down for evidence. The suit is of the year 2017. Hence, the present writ petition is filed seeking for a direction to the Trial Court to dispose of the suit as expeditiously as possible.

5. The learned counsel for the petitioners submits that the plaintiffs are dragging the matter on one pretext or the other. The suit is of the year 2017 and the matter is set down for recording the evidence of the parties.



6. In that view of the matter and without expressing any opinion on the merits of the matter, this Court deems it appropriate to dispose of the writ petition.

7. Accordingly, the writ petition is **disposed of**.

8. The Trial Court is directed to dispose of the suit as expeditiously as possible, not later than six months from the date of receipt of certified copy of this order, provided there is no order of stay of the said proceedings granted by any Court of law.

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

DM
LIST NO.: 1 SL NO.: 16