



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE JAYANT BANERJI

WRIT PETITION NO. 5883 OF 2026 (GM-CPC)

BETWEEN:

1. SMT.K.S.NIRMALA,
ABOUT 57 YEARS,
W/O. B.P.MAHESH,
R/AT. NO.810, 14TH A MAIN,
13TH CROSS, A SECTOR,
YELAHANKA NEW TOWN,
YELAHANKA, BENGALURU- 560 064.
2. SRI.YASHASH.B.M,
AGED ABOUT 32 YEARS,
R/AT. NO.810, 14TH A MAIN,
13TH CROSS, A SECTOR,
YELAHANKA NEW TOWN,
YELAHANKA, BENGALURU- 560 064.

...PETITIONERS

(BY SRI.CHINMAY KURANDWAD., ADVOCATE FOR
SRI. VACHAN B., ADVOCATE)

AND:

1. SMT.NARASAMMA,
AGED ABOUT 99 YEARS,
W/O LATE KONDAPPA,
SINCE DEAD REPRESENTED BY

HER LEGAL HEIRS,
RESPONDENT NOS.2 TO 5,

Digitally
signed by
KAVYA G
Location:
High Court of
Karnataka



2. SMT.VENKATALAKSHMAMMA,
AGED ABOUT 81 YEARS,
D/O. LATE KONDAPPA,

SRI.S.K.ANJINAPPA,
S/O. LATE KONDAPPA,
SINCE DECEASED REPRESENTED
BY HIS LEGAL HEIR
3. SMT.PARVATHAMMA ANJINAPPA,
AGED ABOUT 65 YEARS,
W/O. LATE S.K.ANJINAPPA,
4. SRI. S.K.KIRAN KUMAR,
AGED ABOUT 56 YEARS,
S/O. LATE KONDAPPA,
5. SRI. S.K.MANJUNATH,
AGED ABOUT 53 YEARS,
S/O. LATE KONDAPPA,

ALL ARE R/AT:
VIDYANAGAR CROSS,
BETTAHALSUR POST,
BENGALURU NORTH TALUK,
BENGLAURU-562 157.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER SECTION 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE XII ADDL. CITY CIVIL AND SESSIONS COURT AT BENGALURU TO DISPOSE OF THE CIVIL SUIT IN OS NO.1235/2022 VIDE ANNEXURE-A AS EXPEDITIOUSLY AS POSSIBLE BUT NOT LATER THAN 6 MONTH.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI



ORAL ORDER

Heard the learned counsel for the petitioners.

2. This petition has been filed seeking the following reliefs:

- a) *Pass an order directing the XII Additional City Civil and Sessions Court at Bengaluru to dispose of the civil suit in O.S.No.1235/2022 vide Annexure-A, as expeditiously as possible as but not later than 6 months.*
- b) *Grant such other relief/s as deemed fit by this Hon'ble Court under the facts and circumstances of the case.*

3. The suit was filed on 17.02.2022 seeking refund of Rs.1,38,00,000/- (Rupees One Crore Thirty Eight Lakhs only) advanced to the defendants as part sale consideration pursuant to an agreement for sale dated 21.06.2017 along with interest. On 15.12.2022, the court noticed that there was an element of settlement between the parties and therefore the parties were asked to be present on the next day of hearing. However, the parties failed to reach a settlement. Thereafter an application under Order VII to 11(d) of the CPC was filed by the



defendants, which came to be dismissed. It was noticed by the Order of 02.08.2023 that the parties had not filed their list of witnesses and documents. Thereafter, the proceedings of the case were stayed by the High Court in a Civil Revision petition No.547/2023. On 05.03.2025, it was reported that the petition filed by the defendants (before the High Court) was dismissed. Additional issues were framed on 13.08.2025. Therefore, this Court finds that the case is being adjourned from time to time. But for most part the reasons for adjournments are reflected in the orders. In this view of the matter, this Court is not inclined to grant the relief as claimed for by the petitioners. However, it is expected that the trial Court would proceed with the matter without granting any unnecessary adjournment to either of the parties.

4. With the above observations, this petition is disposed of.



5. The Registry of this Court is directed to communicate this order to the concerned trial Court within 15 days from today.

Sd/-
(JAYANT BANERJI)
JUDGE

KGR
List No.: 1 Sl No.: 18