



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 6265 OF 2026 (GM-CPC)

BETWEEN:

M. H. TULASIRAM,
S/O T. HANUMANTHASA,
AGED ABOUT 71 YEARS,
R/AT NO.55, 3RD CROSS,
SUPREME RESIDENCY LAYOUT,
NEAR ARVIND SCHOOL,
KODICHIKANAHALLI,
BENGALURU - 560 076.

...PETITIONER

(BY SRI. SHREYAS B S., ADVOCATE)

AND:

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA

M.H.SHANKAR,
S/O T. HANUMANTHASA,
AGED ABOUT MAJOR,
R/AT NO.25,
COTTONPET MAIN ROAD,
BENGALURU - 560 053.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO EXERCISE ITS
SUPERVISORY JURISDICTION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA AND DIRECT THE TRIAL COURT TO



KEEP FURTHER PROCEEDINGS IN FDP NO.141/2023 (ANNEXURE - A) ARISING OUT OF O.S. NO.7996/2019 IN ABEYANCE, INCLUDING CONSIDERATION OR ACCEPTANCE OF THE COMMISSIONER'S REPORT BEARING BHU.SA.NI/C.P.D/11/2024-25, BHU.SA.NI/P.R/E-452905/24-25 (ANNEXURE - A1) DATED ON 28-03-2025, PENDING DISPOSAL OF THE MISCELLANEOUS PETITION IN MIS NO:371/2025 (ANNEXURE -E) FILED UNDER ORDER IX RULE 13 READ WITH SECTION 151 CPC CHALLENGING THE EX-PARTE JUDGMENT AND DECREE DATED 09-02-2023 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

In this writ petition, petitioner/defendant has sought the following reliefs:

"a) Exercise its supervisory jurisdiction under Article 227 of the Constitution of India and direct the Trial Court to keep further proceedings in FDP No.141/2023 (Annexure-A) arising out of O.S.No.7996/2019 in abeyance, including consideration or acceptance of the Commissioner's Report bearing BHU.SA.NI/C.P.D/11/2024-25, BHU.SA.NI/P.R/E-452905/24-25 (Annexure-A1) dated on 28-03-2025, pending disposal of the Miscellaneous Petition in Mis No.375/2025 (Annexure-E) filed under Order IX Rule 13 read with Section 151 CPC challenging the ex-parte Judgment and decree dated 09-02-2023;



b) Pass such other order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the case, in the interest of justice and equity."

2. For the sake of convenience, the parties are referred to as per their ranking before the IX A.C.C. & S J Bangalore.

3. Even though petitioner/defendant has sought the above mentioned reliefs, the learned counsel for the petitioner submitted that if this Court directs the trial court to dispose of the application filed by the petitioner for stay of FDP proceedings in Miscellaneous Petition No.375/2025 filed under Order IX Rule 13 r/w Section 151 of CPC, the prayer may be restricted to the aforesaid relief. The respondent herein filed a suit for partition and separate possession. The suit has been decreed placing petitioner herein as ex-parte.

4. Being aggrieved by the same, petitioner has filed Misc. Petition No.37/2025 before the City Civil and Sessions Judge, Bangaluru under Order IX Rule 13 of CPC r/w Section 151 of CPC seeking to set aside the said ex-



parte decree. Along with the miscellaneous petition, he has also filed an application for stay of Judgment and decree dated 09.02.2023 passed in O.S.No.7996/2019 by the trial Court and for stay of further proceedings in FDP No.141/2023. The trial Court has not considered the said application.

5. Learned counsel appearing for the petitioner has submitted that since the application filed by the petitioner in Miscellaneous Petition is not considered by the Appellate Court. Taking advantage of the court not granting any interim order, the respondent herein/plaintiff is proceeding in that FDP matter. Therefore, he sought for early disposal of this application filed in miscellaneous petition.

6. In view of the above, without expressing any opinion on the merits of the case, the trial Court is directed to dispose of the application filed by the petitioner in Misc. Petition No.371/2025 filed in O.S.No.7996/2019



as expeditiously as possible but not later than by the end of June, 2026.

7. Accordingly, the following order is passed:

ORDER

- a) The writ petition is **disposed of**.
- b) The trial Court is directed to dispose of the application filed by the petitioner in Misc. Petition No. 371/2025 in O.S.No.7996/2019, as expeditiously as possible but not later than by the end of June, 2026.
- c) Parties are directed to co-operate for early disposal of the said application.

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