



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF APRIL, 2026**

**BEFORE**

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

**WRIT PETITION NO. 9920 OF 2026 (GM-CPC)**

**BETWEEN:**

THE TELECOM EMPLOYEES  
CO-OPERATIVE HOUSING SOCIETY LTD  
NO.43, "BELAKU", RAILWAY PARALLEL ROAD  
KUMARA PARK (WEST), BENGALURU-560020.  
REP. BY ITS DIRECTOR MR. C.V.MANJUNATHA

...PETITIONER

(BY SRI. GUBBI SWAMY S., ADVOCATE)

**AND:**

1. K.N SHESHADRI GOWDA  
S/O. LATE NARAYANAPPA  
AGED ABOUT 49 YEARS  
R/O. KOLIPURA VILLAGE  
JALA HOBLI, BENGALURU NORTH TALUK-562163.

2. C. V.MANJUNATHA  
S/O. LATE SHRI. C.S.VENKATANARASIMHAIAH  
AGED ABOUT 71 YEARS  
R/O. NO. 14/3  
4<sup>TH</sup> MAIN ROAD, PALACE GUTTAHALLI  
BENGALURU-560020.

...RESPONDENTS

(BY SRI. C SHANKAR REDDY., ADVOCATE FOR R1:  
SRI D N JAYARAMA, ADVOCATE FOR C/R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 23/02/2026 PASSED BY THE III ADDL. SENIOR CIVIL JUDGE AND J.M.F.C. ON I.A.NO.XVI AND XVII IN O.S.NO. 170/2010 C/W. O.S. NO. 319/2010 VIDE ANNEXURE-A AND ETC.

Digitally signed by  
DHANALAKSHMI  
MURTHY  
Location: HIGH  
COURT OF  
KARNATAKA



THIS PETITION, COMING ON FOR ORDERS, 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 petitioner-defendant No.2 has called in question the impugned order dated 23.02.2026 passed on I.A.Nos.XVI and XVII by the III Additional Senior Civil Judge and JMFC, Devanahalli (hereinafter referred to as the 'Trial Court' for short) in O.S.No.170/2010 c/w O.S. No.319/2010, whereby the said applications filed by the plaintiff in O.S.No.170/2010 have been allowed, permitting the plaintiff to file a fresh I.A. to implead the proposed defendants.

2. The plaintiff (respondent No.1 herein) in O.S.No.170/2010 filed the said suit for declaration. The petitioner herein (defendant No.2) also filed a suit in O.S.No.319/2010 seeking injunction. Both suits were clubbed together. During the pendency of the proceedings, the plaintiff in O.S.No.170/2010 filed I.A.No.XVI under Order IX Rule 4 read with Section 151 of the CPC to set



aside the order dated 28.07.2023 and permit the plaintiff to take steps to proposed defendants on I.A.No.IX filed by the plaintiff under Order I Rule 10(2) of CPC. The plaintiff also filed I.A.No.XVII under Order XXIII Rule 1(3) read with Section 151 of the CPC seeking permission to withdraw I.A.No.9 with liberty to file a fresh I.A. to implead the proposed defendants.

Since no steps had been taken for a long period of about 10 years in respect of the proposed defendants, and in the meantime some of the proposed defendants had died, the plaintiff in O.S.No.170/2010 filed the said applications seeking permission to file a fresh application for impleading the proposed defendants. The same came to be allowed by the impugned order. Being aggrieved, the petitioner is before this Court.

3. The only grievance of the petitioner is that, for one reason or another, the plaintiff in O.S.No.170/2010 has



been dragging the proceedings, resulting in delay of the suit filed by the petitioner in O.S.No.319/2010.

4. Be that as it may, the impugned order merely permits the plaintiff to file a fresh application for impleading the proposed defendants. Having regard to the fact that since no steps were taken for a long time and some of the proposed defendants have died in the meantime, the impugned order passed by the Trial Court would, in fact, avoid multiplicity of proceedings, particularly in respect of bringing on record the legal representatives of the deceased proposed defendants.

5. In view of the above, this Court does not find any error or illegality in the impugned order dated 23.02.2026 passed on I.A.Nos.XVI and XVII by the Trial Court in O.S.No.170/2010 c/w O.S.No.319/2010 warranting interference under Article 227 of the Constitution of India. However, in order to address the grievance of delay, it is just and necessary to direct the Trial Court to expedite the



proceedings and dispose of the suits within a time-bound period.

6. Accordingly, following order is passed:

ORDER

- a) The writ petition is ***dismissed***.
- b) However, the plaintiff in O.S.No.170/2010 is directed to file a fresh I.A. for impleading the proposed defendants on or before the next date of hearing.
- c) The Trial Court is directed to dispose of both the suits as expeditiously as possible, preferably within a period of one year from the date of receipt of a certified copy of this order.

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