



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 12406 OF 2026 (GM-CPC)

BETWEEN:

MR. SUNIL SUBBAKRISHNA
S/O MR. B S SUBBAKRISHNA
AGED ABOUT 71 YEARS OLD
HAVING RESIDENCE AT
NO.23, 32 D CROSS,
(OLD NO.571, 31ST CROSS)
4 BLOCK, JAYANAGAR
BENGALURU 560 011.
ALSO AT
22 LOCKWOOD ROAD
SCARSDALE, NEW YORK 10583
UNITED STATES OF AMERICA.

...PETITIONER

(BY SRI. DEEPAK BHASKAR., ADVOCATE)

AND:

MR. BHAGWATH SUBRAMANYA CHANDRASEKHAR
S/O MR. B S SUBRAMANYA
AGED ABOUT 80 YEARS
R/AT NO.23, 32ND D CROSS
(OLD NO.571, 31ST CROSS)
4TH BLOCK, JAYANAGAR
BENGALURU 560 011.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE LD. TRIAL COURT I.E., THE LD. CCH-7 XXII ADDL. CITY CIVIL AND SESSIONS JUDGE, CITY CIVIL COURT, BENGALURU, TO HEAR AND DISPOSE OF THE I.A NO.1 FILED BY THE PETITIONER UNDER ORDER XXXIX RULES 1 AND 2 READ WITH SECTION 151 OF THE CIVIL PROCEDURE CODE, 1908 (ANNEXURE B), IN

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



THE SUIT BEARING O.S. NO.5241/2023, WITHIN A PERIOD OF 30 (THIRTY) DAYS FROM THE DATE OF DISPOSAL OF THIS PETITION 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 petitioner-plaintiff is seeking for a direction to the XXII Additional City Civil and Sessions Judge, Bengaluru (hereinafter referred to as 'Trial Court' for short) to dispose of I.A.Nos.1 to 3, which are pending before it.
2. For the sake of convenience, the parties herein are referred to as per their ranking before the Trial Court in Original Suit.
3. The plaintiff filed a suit in O.S.No.5241/2023 before the Trial Court seeking for relief of declaration and possession. Along with plaint, the plaintiff filed I.A.No.1 under Order XXXIX Rules 1 and 2 read with Section 151 of CPC, seeking an order of temporary injunction. The Trial



Court by order dated 21.08.2023 granted a temporary interim order restraining the respondent-defendant from alienating and encumbering the schedule property in any manner, till the next date of hearing. Thereafter, the defendant filed written statement along with a counter claim. The petitioner filed I.A.No.2 under Order VII Rule 11(d) of CPC seeking rejection of the counter-claim filed by the defendant. The plaintiff also filed I.A.No.3 under Order XXXIX Rule 10 and Order XXVI Rules 9 and 10 read with Section 75 and Section 151 of CPC for depositing of money. Till date, no order has been passed on the said applications. Therefore, the petitioner is before this Court.

4. Learned counsel appearing for the petitioner has submitted that for the last two years, for one reason or another, the applications filed by the petitioner have been adjourned and the Trial Court has not passed any orders on the said applications. Hence, he has sought early disposal of those applications.



5. Having regard to the facts and circumstances of the case, and without expressing any opinion on the merits of the matter, this Court deems it appropriate to dispose of the writ petition with a direction to the Trial Court to dispose of the applications as expeditiously as possible.

6. 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 in accordance with law and as expeditiously as possible, on or before 30.06.2026.
- c) Parties are directed to co-operate for early disposal of the application.
- d) The Trial Court is also directed to dispose of the suit, in accordance with law, as expeditiously as possible.



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WP No. 12406 of 2026

All pending applications, if any, are also disposed of accordingly.

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

HA
LIST NO.: 1 SL NO.: 47