



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.13042 OF 2026 (GM-CPC)

BETWEEN:

SMT DAKSHAYINI P
AGED ABOUT 56 YEARS,
W/O LATE RENUKAPRASAD. P.
R/AT NO.4044, 1ST FLOOR,
2ND STAGE, 3RD MAIN, B BLOCK,
SUBRAMANYANAGAR,
BENGALURU - 560 021.

...PETITIONER

(BY SRI. SREEDHAR N.G., ADVOCATE)

AND:

1. MRS NARASAMMA
AGED ABOUT 77 YEARS,
W/O LATE M.PARAMASHIVAYYA,
R/A NO.14 AND 25, 5TH CROSS ROAD,
NEAR TO NISARGA SCHOOL,
NELLAGADHARANAHALLI,
NAGASANDRA POST,
BENGALURU - 560 073.
2. MR. P. PRAKASH,
AGED ABOUT 52 YEARS,
S/O LATE M.PARAMASHIVAYYA,
R/A NO.4044, 1ST FLOOR, 2ND STAGE,
3RD MAIN, B BLOCK, SUBRAMANYANAGAR,
BENGALURU-560 021.



3. MR. P. RUDRESH,
AGED ABOUT 47 YEARS,
S/O LATE M.PARAMASHIVAYYA,
R/AT NO.14 AND 25, 15TH CROSS ROAD,
NEAR TO NISARGA SCHOOL,
NELLAGADHARANAHALI,
NAGASANDRA POST,
BENGALURU - 560 073.

(NOTE:RESPONDENT NOS.2 & 3 ARE
SONS OF RESPONDENT NO.1 AND
R1 IS STAYING WITH R3)

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO GRANT A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI QUASHING THE ENTIRE PROCEEDINGS IN MISC.PET.NO.1062/2024 PENDING ON THE FILE OF THE HON'BLE XV ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-3) AT BENGALURU (ANNEXURE-G), FILED BY THE RESPONDENT NO.1, AS ILLEGAL, UNJUST AND UNCONSTITUTIONAL.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed seeking for the following prayers:

"WHEREFORE, the petitioner prays that this Hon'ble High Court be pleased:-

- 1. To grant a Writ or Order or Direction in the nature of CERTIORARI quashing the entire Proceedings in Misc.Pet.No.1062/2024 pending on the file of the Hon'ble XV Addl. City***



***Civil and Sessions Judge (CCH-3) at Bengaluru
[ANNEXURE-GJ], filed by the Respondent No.1,
as illegal, unjust and unconstitutional.***

- 2. To grant such other Writ or Order or Direction
as this Hon'ble Court would deem fit and
expedient in the circumstances of the case,
and***
- 3. To award the cost of this Writ Petition IN THE
INTEREST OF JUSTICE AND EQUITY."***

2. Learned counsel for the petitioner submits that against the award passed by the Legal Services Authority, the miscellaneous petition is filed, which is not maintainable and in the light of the settled law, a writ petition has to be filed. Without considering all these aspects, the Court has numbered the petition and is entertaining the same. Hence, he has come before the Court invoking the jurisdiction of this Court under Article 227 of the Constitution of India.

3. According to the petitioner, the miscellaneous petition is not maintainable. In that regard, he should have filed an IA and should have sought for an order on the said IA and if the petitioner is aggrieved by the same, he can avail the legal remedy available to him. For every application that is pending or without even approaching the Court, this Court



cannot invoke the jurisdiction under Article 227 of the Constitution of India by an anticipated order. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***disposed of*** giving liberty to the petitioner to raise all these grounds before the trial Court and the trial Court shall consider the same in accordance with law.
- ii. All pending I.As., if any in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE