



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.15026 OF 2026 (GM-CPC)

BETWEEN:

SANKALPA WELFARE SOCIETY (R),
A SOCIETY REGISTERED UNDER
THE PROVISIONS OF THE KARNATAKA
SOCIETIES REGISTRATION ACT,
HAVING ITS REGISTERED OFFICE
AT NO.138/1, RAGHAVENDRA BUILDING,
GROUND FLOOR, NARAYANASHASTRY ROAD,
MYSURU - 570004,
REP. BY ITS PRESIDENT,
K.V. VEDAMURTHY

...PETITIONER

(BY SRI. G.L.VISHWANATH, SR. COUNSEL FOR
SRI. SHIRISH KRISHNA, ADVOCATE)

AND:

1. MY CITY BUILDERS AND DEVELOPERS (PVT.) LTD.,
A COMPANY INCORPORATED
UNDER THE COMPANIES ACT, 1956
HAVING ITS OFFICE AT
NO.03, TRIPURA GARDEN,
VARAKODU VILLAGE MAIN ROAD,
NEAR VARAKODU GATE,
VARAKODU VILLAGE AND POST,
VARUNA HOBLI,
MYSURU TALUK - 570 010.
2. M. G. SRIDHARA
AGED ABOUT 53 YEARS,

Digitally signed
by CHANDANA
B M

Location: High
Court of
Karnataka



S/O SRI. M. S. GURUDEVARADHYA,
MANAGING DIRECTOR,
M/S. MY CITY BUILDERS AND
DEVELOPERS (PVT) LTD.,
NO. 146, 11TH MAIN, 12TH CROSS,
SARASWATHIPURAM,
MYSURU - 570 009.

3. H. R. ABHISHEK
AGED ABOUT 34 YEARS,
S/O SRI. R. RENUKARADHYA,
DIRECTOR, M/S. MY CITY BUILDERS
AND DEVELOPERS (PVT) LTD.,
NO. 887, THIRTHANKARA MARGA,
SIDDHARTHA LAYOUT,
MYSURU - 570 011.

4. B. N. KARTHIK,
AGED ABOUT 39 YEARS,
S/O SRI. B. S. N. ARADHYA,
DIRECTOR, M/S. MY CITY BUILDERS
AND DEVELOPERS (PVT) LTD.,
NO.05, T-BLOCK 07,
TREASURY LAYOUT,
BOGADI 2ND STAGE,
MYSURU - 570 026.

...RESPONDENTS

(BY SRI.SRI. PRABHULING K.NAVADAGI, SR. COUNSEL FOR
SRI. MANU PRABHAKAR KULKARANI, ADVOCATE FOR
C/R1TO R2; NOTICE TO R3 AND R4 ARE D/W)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER, TO QUASH AND SET ASIDE THE IMPUGNED ORDER DATED 30.04.2026 (ANNEXURE-A) PASSED BY THE COURT OF THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE, MYSURU, IN M.A. NO.63/2025, ON THE INTERIM APPLICATION FILED UNDER ORDER XXXIX RULES 1 AND 2 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 AND ETC.,

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



CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the plaintiff in O.S.No.392/2025 and appellants in MA.No.63/2025 is directed against the impugned order dated 30.04.2026 passed by the First Appellate Court, which rejected the application filed by the petitioner/appellant under Order XXXIX Rules 1 and 2 r/w Section 151 of CPC for temporary injunction.

2. Heard learned Senior counsel for the petitioner, learned Senior counsel for respondent No.1 and learned counsel for respondent No.2 and perused the material on record.

3. Though, several contentions have been urged by both sides in support of their respective claims, it is a matter of record and an undisputed fact that pursuant to an order dated 17.03.2026 passed by this Court in the earlier round of litigation in WP.No.8758/2026, the First Appellate Court is hearing the aforesaid appeal in MA.No.63/2025 and has been directed to dispose of the said appeal on merits on or before 17.06.2026 and the appeal is posted before the First Appellate Court on 05.06.2026.



4. The aforesaid order passed by this Court in W.P.No.8758/2026 reads as under:

"This writ petition is filed by the plaintiff under Articles 226 & 227 of the Constitution of India, seeking the following reliefs:

"Direct the learned Principal District & Sessions Judge, Mysuru to expeditiously hear and dispose off M.A.No.63/2025 pending on its file, within a specified time frame as this Hon'ble Court may deem fit and proper, in accordance with law, without granting unnecessary adjournments to the parties and protect the statutory rights of the petitioner."

2. *The petitioner/plaintiff filed a suit in O.S. No.392/2025 for specific performance. Along with the plaint, the plaintiff filed an application under Order XXXIX Rules 1 and 2 r/w. Sections 94(e) and 151 of the Code of Civil Procedure. The same came to be dismissed by order dated 05.08.2025. Being aggrieved by the same, the petitioner/plaintiff filed a miscellaneous appeal before the III Additional District and Sessions Judge, Mysuru, in M.A. No. 63/2025. Since the appeal has not been disposed of, the petitioner is before this Court.*

3. *With regard to the maintainability of the appeal, both the counsel appearing for the parties submit that the Registry of the High Court has clarified the position by issuing a circular. Therefore, the appeal filed before the District Court is maintainable.*

4. *In view of the above, the following order is passed:*

(i) *The writ petition stands disposed of.*

(ii) *The III Additional District and Sessions Judge, Mysuru, is directed to dispose of M.A.No. 63/2025, in accordance with law, as*



expeditiously as possible, and in any event not later than three months from the date of receipt of a certified copy of this order.

- (iii) It is made clear that if the parties file any application for interim relief during the pendency of the appeal, the appellate court shall consider the same in accordance with law.*
- (iv) All contentions of the parties are kept open."*

5. In pursuance of the liberty granted in favour of the petitioner in the aforesaid order, the petitioner filed the instant application for temporary injunction in MA.No.63/2025 which was dismissed by the First Appellate Court resulting in the present petition being preferred by the petitioner/plaintiff.

6. Learned Senior counsel for respondent No.1 and learned counsel for respondent No.2 jointly submits that without prejudice to their rights and contentions, since the appeal in MA.No.63/2025 is posted on 05.06.2026 and directed to be disposed of on or before 17.06.2026, the respondents/defendants have no intention of further alienating the suit schedule property till disposal of the appeal in MA.No.63/2025 pending before the First Appellate Court.



7. The submission made on behalf of the defendants is placed on record and consequently, nothing further survives in the present petition except directing the First Appellate Court to dispose of MA.No.63/2025 on or before 17.06.2026 without seeking extension under any circumstances whatsoever and by leaving/keeping open all rival contentions to be considered by the First Appellate Court. It is further made clear that the First Appellate Court shall dispose of the appeal in MA.No.63/2025 without being influenced by the observations made in the impugned order or the present order and also the submissions made on behalf of the respondents that they have no intention of further alienating the suit schedule property till the disposal of the appeal.

8. Subject to the aforesaid directions and leaving open all contentions to be decided by the First Appellate Court, writ petition stands ***disposed of***.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE