



CNR: KAHC010364652014

NC: 2026:KHC:51094
WP No. 48006 of 2014

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 48006 OF 2014 (GM-CPC)

BETWEEN:

M.V. GANESH PRASAD,
S/O M.L.VASUDEVA MURTHY,
AGED ABOUT 58 YEARS,
R/AT SRI SHIVA,
SHAKTHI NILAYA, THILAKPARK ROAD,
VIJAYAPURA EXTENSION,
CHIKMAGLUR - 577 101.

...PETITIONER

(BY SRI. M.V .GANESH PRASAD, PARTY-IN-PERSON (ABSENT))

AND:

1. M.L. VASUDEV MURTHY,
SINCE DIESEASED BY HIS LRS

1(a). A.R. KAMALA,
W/O SRI. RAMA SETTY,
AGED ABOUT 64 YEARS,
NO. 425/428 SRI KAMAL,
NEAR IYENGAR MESS,
DEVAMBA AGRAHARA,
MYSORE - 570 024.

2. SMT. T.R. SATYALAXMI RAMAPRASAD,
W/O T.R. RAMAPRASAD,
AGED ABOUT 62 YEARS,
115/1, SHARADAPRASAD,
BULL TEMPLE ROAD,
NAGARAJA LAYOUT,
CHAMRAJPET,
BANGALORE - 560 018.

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3. A.P. RUKMINI PRANJYOTHI,
W/O SRI. A. PARANJOTHI,
AGED ABOUT 60 YEARS,
NO. 484, 1ST FLOOR,
VIRUPAKSHA NILAYA,
11TH MAIN, 4TH BLOCK,
JAYANAGAR,
BANGALORE - 560 041.
4. SMT. B.N. GAYATHRI NATARAJ,
W/O B.N. NATARAJ,
AGED ABOUT 61 YEARS,
NO.1, LAXMI NIVAS,
SHALIVAHANA ROAD,
NAZARBAD EXTENSION,
MYSORE.
5. V. GIRIJA SRINIVASAN,
W/O SRINIVASAN,
AGED ABOUT 59 YEARS,
NO. 12, RAJARAJESHWARI KRUPA,
33RD CROSS, 11TH MAIN ROAD,
JAYANAGAR, 4TH 'T' BLOCK,
BANGALORE - 560 041.
6. SMT. M.V. PARVATHAVARDHANA,
W/O M.L. VASUDEVA MURTHY,
AGED ABOUT 68 YEARS,
R/AT NO.007, NO.90,
PREMIER GRUHALAKSHMI APARTMENTS,
SOUTH END ROAD,
BASAVANAGUDI,
BANGALORE - 560 004.
[SINCE DECEASED REPRESENTED BY LRS,
RESPONDENT NO.2,3,4,5, HEREIN ALONG
WITH THE PETITIONER]
7. M.V. CHANDRASHEKHAR,
S/O M.L. VASUDEVA MURTHY,
AGED ABOUT 65 YEARS,



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NO. 26/27, SIRIDHAM 3RD CROSS,
7TH BLOCK, WEST, JAYANAGAR,
BANGALORE - 560 011.

8. SRI. M.S. BHOJEGOWDA,
S/O SANNA SIDE GOWDA,
AGED ABOUT 62 YEARS,
R/AT KRISHNAGIRI ESTATE,
DASARAHALLI, CHIKMAGLUR.
9. C.T. RAVI,
S/O THIMMEGOWDA,
AGED ABOUT 46 YEARS,
M.L.A. BASAVANAHALLY
MAIN ROAD, CHIKMAGALUR.
10. M.A. SRIDHAR,
S/O M.K. ANANTHRAM,
AGED ABOUT 48 YEARS,
R/AT NO. 200, R.V. ROAD,
KESHAVA KRUPALAYA,
BASAVANAGUDI,
BANGALORE - 560 004.

...RESPONDENTS

(BY SRI. SATISH G. RAIKAR, AND
SRI. S. SUBRAMANYA, ADVOCATE FOR R8,
VIDE ORDER DATED 30.08.2016, THE PETITIONER AND
R2 TO R5 ARE TREATED AS LR'S OF THE DECEASED R6,
R1 TO R7 ARE SERVED,
R9 & R10 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH AND SET ASIDE THE ORDER DATED:23.09.2014 MADE
ON I.A.NO.33 IN O.S.NO.198/1997 ON THE FILE OF THE
ADDITIONAL SENIOR CIVIL JUDGE & JMFC, CHICKMAGALUR
ASPER ANNEX-L AND ALLOW THE APPLICATION MADE AS PER
I.A.NO.33 FILED FOR CALL FOR RECORDS AND ETC.,



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THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed by the plaintiff, appearing as a party-in-person, calling in question the orders passed by the learned Trial Judge on I.A.Nos.33 and 34, whereby the applications filed by the petitioner seeking to secure certain records pertaining to R.A.No.227/2006 arising out of O.S.No.307/1995 came to be rejected.

2. The learned Trial Judge, while rejecting the said applications, has taken note of the endorsement issued by the concerned Court, wherein it has been categorically stated that the documents sought to be secured by the petitioner were neither marked in the said proceedings nor formed part of the record and, consequently, the said documents were not available with the Court. It is this order which is assailed in the present petition.

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3. This Court has perused the records and considered the submissions of the petitioner, who appears as a party-in-person. The petitioner instituted O.S.No.198/1997 seeking partition and separate possession. The said suit has remained pending for nearly three decades. In a suit for partition, the foundational questions which arise for consideration are whether the parties constitute an undivided Hindu joint family and whether the properties sought to be partitioned are joint family properties in which the plaintiff has a subsisting share. These issues constitute the core of the controversy in a partition action and are required to be established by the plaintiff on the basis of pleadings and evidence.

4. In the present case, the petitioner, while filing I.A.Nos.33 and 34, has not specifically pleaded in the accompanying affidavits as to the relevance and necessity of the records sought to be secured, particularly in the context of the issues arising for consideration in the pending partition suit. The material on record further discloses that the petitioner had earlier made an attempt to secure the very same records by

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approaching the Court which had dealt with O.S.No.307/1995 as well as the appellate Court in R.A.No.227/2006.

5. In response thereto, an endorsement dated 18.07.2013 came to be issued, specifically recording that the documents now sought by the petitioner had not been marked in the earlier proceedings. Consequently, the said records were not available with the concerned Court. This factual position has been duly noticed by the learned Trial Judge while considering I.A.Nos.33 and 34.

6. The learned Trial Judge has also taken note of the conduct of the petitioner and has recorded a finding that the applications filed by him have resulted in unnecessary prolongation of the proceedings. Having regard to the nature of the applications, the absence of any specific pleading demonstrating the relevance of the records sought to be summoned, and the categorical endorsement of the concerned Court that such documents were not part of the earlier record, this Court finds no jurisdictional error or material irregularity in the order impugned so as to warrant interference under Article 227 of the Constitution of India.

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7. There is, however, a larger aspect which cannot be lost sight of. The petitioner instituted the suit for partition and separate possession in O.S.No.198/1997, which has remained pending for nearly three decades. The records further disclose that the proceedings of the suit have remained stalled pursuant to the order dated 20.10.2014 and, even as of the year 2026, the suit has not reached its logical conclusion.

8. A litigant who invokes the jurisdiction of a competent Civil Court seeking partition and separate possession is expected to assist the Court in bringing the litigation to its logical conclusion. Procedural applications cannot be permitted to become a means of keeping a suit alive indefinitely, particularly when the applications are not supported by a specific pleading establishing the relevance or necessity of the material sought to be produced or summoned. The right to pursue a civil remedy necessarily carries with it the corresponding obligation to prosecute the proceedings diligently and bona fide.

9. The present case is, therefore, illustrative of a situation where a suit instituted as far back as in the year 1997



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has remained pending for an inordinately long period, with the proceedings having been stalled on grounds which, on the material placed before this Court, do not appear to advance adjudication of the substantive controversy. The observations made herein are confined to the conduct disclosed from the records and are not intended to prejudge the merits of the pending suit.

10. Though the circumstances of the case would ordinarily warrant consideration of imposition of exemplary costs, this Court, having regard to the fact that the petitioner is appearing as a party-in-person and taking a lenient view, refrains from imposing costs.

11. For the foregoing reasons, the orders passed by the learned Trial Judge on I.A.Nos.33 and 34 do not call for interference. The writ petition is accordingly ***dismissed***.

12. It is, however, made clear that the learned Trial Court shall make every endeavour to proceed with O.S.No.198/1997 expeditiously and bring the proceedings to their logical conclusion, in accordance with law, without



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permitting unnecessary adjournments or interlocutory proceedings to impede the progress of the suit.

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(SACHIN SHANKAR MAGADUM)
JUDGE

PK
List No.: 1 Sl No.: 3