



CNR: KAHC010468542026

NC: 2026:KHC:43750
WP No. 21112 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 21112 OF 2026 (GM-CPC)

BETWEEN:

MRS. SHERIN SEBASTIAN
WIFE OF MR. JAYESH J ULLATTIL
AGED ABOUT 46 YEARS
RESIDING AT, VILLA NO. 328,
NAMBIAR BELLEZEA,
MUTHANALLOOR CROSS,
BENGALURU – 560 099

...PETITIONER

(BY SRI. AKSHATA BENEGAL, SRI. SATHYA SAGAR R.
SRI. MITHRA P., ADVOCATES FOR
SRI. MANU PRABHAKAR KULKARNI, ADVOCATE)

AND:

1. MR. JOSEPH IGNAZZIO ZAMBUTO
SON OF MR. JOSEPH ZAMBUTO,
AGED ABOUT 44 YEARS,
HOLDING UNITED STATES OF AMERICA
PASSPORT NO. 664130033

LAST RESIDING AT NO.16128,
PENTHOUSE, PRESTIGE SHANTINIKETAN,
WHITEFIELD ROAD,
NEAR ITPL, WHITEFIELD,
MAHADEVAPURA,
BANGALORE – 560 048

ALSO RESIDING AT:
713 BARBADOS DRIVE,
WILLIAMSTOWN,
NEW JERSEY, 08094.



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2. MS. NOORINA ABDOULRAMAN
WIFE OF MR. JOSEPH ZAMBUTO,
AGED ABOUT 38 YEARS,
HOLDING REPUBLIC OF MAURITIUS
PASSPORT NO. 2008065
LAST RESIDING AT NO.16128, PENTHOUSE,
PRESTIGE SHANTINIKETAN, WHITEFIELD ROAD,
NEAR ITPL, WHITEFIELD,
MAHADEVAPURA,
BANGALORE – 560 048
3. MR. JAYESH J. ULLATTIL
SON OF MR. JOHN JOSEPH ULLATTIL,
AGED ABOUT 48 YEARS
RESIDING AT, VILLA NO. 328,
NAMBIAR BELLEZEA,
MUTHANALLOOR CROSS,
BENGALURU – 560 099

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 29.06.2026 PRODUCED AT ANNEXURE-A TO THE EXTENT THAT 4 WEEKS' TIME WAS GRANTED TO RESPONDENT NO.1 AND 2 TO FILE OBJECTIONS AND CONSEQUENTLY ALLOW I.A.NO.7 FILED UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 PRODUCED AT ANNEXURE-R AND I.A.NO.8 FILED UNDER ORDER XII RULE 6 OF THE CODE OF CIVIL PROCEDURE, 1908 PRODUCED AT ANNEXURE-S IN O.S.NO.32/2026 PENDING ON THE FILE BEFORE THE HON'BLE I ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



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ORAL ORDER

The present writ petition is filed seeking the following prayer:

I. Call for records of O.S. No. 32/2026, on the file of the Hon'ble I Additional Senior Civil Judge, Bengaluru Rural.

II. To set aside the Impugned Order dated 29.06.2026 produced at Annexure A, to the extent that 4 weeks time was granted to Respondent No.1 and 2 to file objections and consequently allow I.A. No. 7 filed under Section 151 of the Code of Civil Procedure, 1908 produced at Annexure R and I.A. No. 8 filed under Order XII Rule 6 of the Code of Civil Procedure, 1908, produced at Annexure S, in O.S. No. 32/2026 pending on the file before the Hon'ble I Additional Senior Civil Judge Bengaluru Rural

III. To issue a writ or any other direction permitting the Petitioner to immediately enter the Schedule Property and recover the physical possession of the Schedule Property by breaking open the lock, if need be;

IV. Without prejudice and in the alternative to prayer II and III, issue a writ, order or direction, directing the expeditious consideration and dispose of I.A. No. 7 filed under Section 151 of the Code of Civil Procedure, 1908 produced at Annexure R and I.A. No. 8 filed under Order XII Rule 6 of the Code of Civil Procedure, 1908, produced at Annexure S, in O.S. No. 32/2026 pending on the file before the Hon'ble I Additional Senior Civil Judge, Bengaluru Rural, within a period of two weeks.

V. Pass any other order(s) which this Hon'ble Court deems fit and proper, towards the ends of equity, justice and good conscience.



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2. The relief No.2 sought is to set aside the order dated 29.06.2026, this Court is not inclined to pass any order, and that is not an order in the eye of the law against which a writ petition can be filed before this Court under Article 227 of the Constitution of India.

2. The Relief No.3 is to issue a writ permitting the Petitioner to immediately enter the Schedule Property and recover the physical possession of the Schedule Property by breaking open the lock if required, and that also cannot be considered by this Court exercising jurisdiction under Article 227 of the Constitution of India.

3. The 4th relief sought is regarding expeditious consideration and disposal of I.A.No.7 filed under Section 151 of the CPC and I.A.No.8 filed under Order XII Rule 6 of the CPC. It is submitted that there are some leakages in the apartment, and it is damaging the neighbor's property as well as the subject property. Unless and until possession is given and he is permitted to effect the repairs, the flat and the building will be damaged. As far as that aspect is concerned,



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with regard to getting the repairs done, if any application in that regard is filed, the same shall be considered within 15 days from the date of receipt of the copy of the order.

4. In view of the above, this Court is passing the following:

ORDER

- i. Accordingly, the Writ Petition is ***disposed of***. If any application with regard to carrying out the repairs to the apartment is filed, the same shall be considered within 15 days from the date of receipt of the copy of the order in accordance with law.
- ii. Pending IAs., in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 1 Sl No.: 17