



CNR: KAHC010490692026

NC: 2026:KHC:39197
WP No. 22190 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 22190 OF 2026 (GM-CPC)

BETWEEN:

CANARA BANK EMPLOYEES
CO -OPERATIVE HOUSING SOCIETY LTD.,
HAVING ITS REGISTERED OFFICE
AT CANARA BANK BUILDING
112, J.C.ROAD
BENGALURU -560 002
REP. BY ITS SECRETARY
M.SATYANARAYANA

...PETITIONER

(BY SRI. T.P.MUTHANNA, ADVOCATE)

AND:

SRI.G. SRINIVASAN
S/O SRI V.AGANGAPPA
AGE ABOUT 54 YEARS
NO. 1018, 6TH CROSS
II BLOCK, 1ST STAGE
BANASHANKARI
BENGALURU -560 050

...RESPONDENT

(BY SRI.H.N.VASUDEVA, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS ON THE FILE OF THE IV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH-21) AT BENGALURU AND ETC.

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



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CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order passed on I.A.Nos.12 and 13 in O.S.No.17060/2006 dated 06.07.2026, passed by the IV ACC and SJ, Mayohall Unit, Bengaluru, the petitioner/plaintiff is before this court.

2. The petitioner/society has filed a suit to declare that the plaintiff is the lawful owner of the suit schedule property. In the said suit, two applications were filed, i.e., I.A. Nos. 12 and 13. One I.A. was filed under Order XVI Rule 01(2) R/w Section 151 CPC, dated 31.01.2026, to recall the order dated 03.04.2025. Another I.A. sought to summon the BDA officials to produce the document and give evidence thereon. The said applications were dismissed by the court by way of the impugned order. While dismissing the applications, the trial Court observed that it is an admitted fact that the plaintiffs had earlier filed similar applications, which were rejected. The said order was challenged in the writ petition before the High Court, which was allowed, and a time limit was fixed to dispose of the suit within an outer limit of 6 months. The suit of the plaintiff is



for a declaration that he is the absolute owner of the suit schedule property and for a permanent injunction restraining the defendants from encroaching upon the suit schedule property. The plaintiff has also sought for recovery of vacant possession of the property, a mandatory injunction to remove the unauthorised construction, and mesne profits. When similar applications were rejected, the present applications are not at all maintainable. On perusal of the entire order sheet, it reveals that issues were framed in the month of June 2010, and since then the case has been adjourned on one or the other ground. In order to drag on the proceedings, the present application is filed and accordingly, dismissed the application.

3. Learned counsel appearing for the petitioner submits that, in fact, when he came before the court by filing W.P.No. 21958/2025, which was disposed of on 14.11.2025, the court allowed the writ petition, and consequently, an application filed under Order VII Rule 14 R/w Section 151 of CPC was allowed. The document, i.e., the BDA-approved layout plan, shall be taken on record. The court has further observed that it is open to the court, either to accept the document or to reject it, if the



plaintiff relies upon it in evidence, on the basis of the legality or admissibility of the document. If the plaintiff is inclined to produce the original approved layout plan sanctioned by BDA, as submitted by him during the course of arguments, he is permitted to do so, and the same shall be considered by the trial court in accordance with law. In view of the fact that the original suit is of the year 2006, which is almost 2 decades from the date of filing of the suit, the trial court is directed to dispose of the suit within an outer limit of 6 months.

4. Learned counsel appearing for the petitioner submits that, by way of a memo, a certified copy of the layout plan has been placed before the Court. It is submitted that, earlier, with respect to this property, the BDA had taken certain steps for removal of the encroachment, including the demolition of the unauthorised structures. In this backdrop, examining the BDA officials is warranted, and producing the approved layout sanction plan by the BDA is necessary. In those circumstances, the petitioner has filed this application, only on the ground that earlier applications were filed and the trial court had dismissed the same. It is submitted that unless and until these



applications are allowed and the petitioner is permitted to examine the BDA officials and until they produce the layout plan, the plaintiff would suffer considerable prejudice. It is also submitted that an undertaking affidavit has been filed before this Court dated 28.07.2026, wherein it is stated that once this writ petition is allowed, they will not file any application before the trial Court, and they also undertake to co-operate for the early disposal of the case within 4 months from the date of receipt of the copy of this order. In case any application is filed by the petitioner, the Court may pass appropriate orders, including disposal of the OS.No.17060/2006 pending before the trial Court. It is submitted that the I.A.Nos.12 & 13 may be allowed in the interest of justice.

5. Learned counsel appearing for the respondent submits that this is a suit of the year 2006 and they have been dragging on the matter, though in the earlier writ petition there was an order to dispose of the matter within 6 months. Thereafter, they have come up with this application, which clearly shows that the only intention of the plaintiff is to drag on the matter and that they are not interested in its disposal. It is submitted



that the court has rightly passed the order and that there are no grounds to interfere with the order.

6. Having heard the learned counsels on either side, perused the material on record. As rightly submitted by the learned counsel to the respondent, the suit is of the year 2006, and undoubtedly several applications have been filed before the trial court, and the matter has been pending for almost two decades. At the same time, the trial court cannot lose sight of the fact that the entire issue revolves around the approved layout, and the copy that is with the petitioner, as permitted by the court, has already been placed on record. Earlier, the BDA has taken action with regard to the unauthorised constructions and the demolition of the unauthorised properties. In those circumstances, it is all the more necessary that I.A.Nos.12 and 13 be allowed. Probably, looking at the manner in which the matter has been dragged on, the application was dismissed. In that view of the matter, and also considering the undertaking affidavit that is placed before this Court and balancing the interests of both the parties, this Court is passing the following:



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ORDER

- i. The order passed on I.A.Nos.12 and 13 in O.S.No.17060/2006 dated 06.07.2026 by the IV ACCw and SJ, Mayohall Unit, Bengaluru, is ***set aside***. Consequently, I.A.Nos.12 and 13 are ***allowed***.
- ii. The petitioner shall co-operate with the proceedings and as undertaken before the court, no further applications shall be filed. If any application is filed that would be ground for the trial court to dismiss the suit.
- iii. The trial court shall ensure that the suit is disposed of within the period of **four** months from the date of the receipt of the copy of the order.
- iv. Accordingly, the writ petition is ***disposed of***.
- v. Pending I.As in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE