HC-KAR

NC: 2026:KHC:23430
W.P. No.2150/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO.2150/2022 (GM-CPC)

BETWEEN:

SRI. N. CHANDRAPPA
S/O NANJAPPA
AGED ABOUT 62 YEARS
R/AT DHARAMARAYASWAMY
GUDI BEEDHI
VIJAYAPURA TOWN
DEVANAHALLI TALUK-562110
BENGALURU RURAL DISTRICT.

Digitally signed by RUPA V
Location: HIGH COURT OF KARNATAKA

...PETITIONER

(BY SRI. KUMBAR VASANT FAKEERAPPA, ADV.,)

AND:

1. SRI. C. NARAYANASWAMY
   S/O LATE CHANNARAYAPPA
   AGED ABOUT 62 YEARS.

2. SMT. RADHAMMA
   W/O C. NARAYANASWAMY
   AGED ABOUT 54 YEARS.

   RESPONDENTS NO.1 & 2 ARE
   R/AT. GOVINDARAJU BUILDING
   GANIGARA BEEDHI
   VIJAYAPURA TOWN
   DEVANAHALLI TALUK
   BENGALURU RURAL DIST-562111.

3. SRI. C. HANUMANTHAPPA
S/O LATE CHANNARAYAPPA
AGED ABOUT 66 YEARS.

4. SRI. C. CHINNAPPA
S/O LATE CHANNARAYAPPA
AGED ABOUT 62 YEARS.

5. SRI. C. MUNIRAJU
S/O LATE CHANNARAYAPPA
AGED ABOUT 60 YEARS.

RESPONDENTS NO.3 TO 5 ARE
R/AT DHARAMARAYASWAMY GUDI BEEDHI
VIJAYAPURA TOWN
DEVANAHALLI TALUK-562110.

…RESPONDENTS

(BY SRI. S. VIJAYAKUMAR, ADV., FOR R1 & R2
R3 TO R5 SERVED AND UNREPRESENTED)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER PASSED BY THE LEARNED PRINCIPAL SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI IN M.A.NO.13/2020 DATED 14.12.2021 VIDE ANNEXURE-E & ETC.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the judgment and award dated 14.12.2021 passed in M.A.No.13/2020 by the Principal Senior Civil Judge and JMFC, Devanahalli (for short, 'the Trial Court').

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent Nos.1 and 2.

3. The petitioner filed O.S.No.11/2015 for the relief of specific performance of the contract. In the said suit, an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908, was filed by the petitioner which came to be rejected vide order dated 09.06.2020. Being aggrieved, the petitioner-plaintiff has filed an appeal in M.A.No.13/2020 and the Appellate Court also confirmed the rejection of the application vide order dated 14.12.2021.

4. The learned counsel for the petitioner as well as the learned counsel for respondent Nos.1 and 2 fairly

submit that the trial in the aforesaid suit is concluded and the parties have commenced the arguments also.

5. In view of the aforesaid submissions, I am of the considered view that ends of justice would be met if the writ petition is disposed of by granting liberty to the petitioner-plaintiff to raise the ground with regard to the impugned order in the appeal if he fails in the suit.

6. With the aforesaid liberty, the writ petition is disposed of.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 2 Sl No.: 4