CNR: KAHC010191602024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 10744 OF 2024 (GM-CPC)

BETWEEN:

SRI. MAHESHWARAIAH.G
S/O LATE GANGAPPA,
AGED ABOUT 74 YEARS,
RESIDING AT NO.45, 15TH CROSS,
MALLESHWARAM, BANGALORE-560 003.

...PETITIONER

(BY SRI. MUKUND.N.ROATE., ADVOCATE)

AND:

1. SHANKAR ASSOCIATE,
A PARTNERSHIP FIRM, DULY REGISTERED UNDER
THE PROVISIONS OF THE INDIAN PARTNERSHIP
ACT, 1932, HAVING ITS OFFICE AT #24/7 AND 25/6,
2ND CROSS, LORRY STAND GODOWN,
YESHWANTHPUR, BANGALORE-560 022.
BY ITS PARTNER SMT. B.SUNEETHA
WIFE OF K.S. DINESH.

2. SMT. B. SUNEETHA,
WIFE OF K.S.DINESH,
AGED ABOUT 62 YEARS,
RESIDING AT #323, 15TH CROSS,
SADASHIVANAGAR, BANGALORE-560 080.

3. SRI. K.S.DINESH,
SON OF K.M.SIDDALINGAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT #323, 15TH CROSS,
SADASHIVANAGAR, BANGALORE-560 080.

4. SRI. D.VINAY,
SON OF K.S.DINESH,

Digitally signed by
SUMATHY KANNAN
Location: HIGH
COURT OF
KARNATAKA

AGED ABOUT 39 YEARS,
RESIDING AT #323, 15TH CROSS,
SADASHIVANAGAR, BANGALORE-560 080.

5. MISS VIDYA,
DAUGHTER OF K.S.DINESH,
AGED ABOUT 35 YEARS,
RESIDING AT #323, 15TH CROSS,
SADASHIVANAGAR, BANGALORE-560 080.

6. SRI. G.PARAMASHIVAIAH,
AGED 89 YEARS,
SON OF LATE GANGAPPA,
RESIDING AT #7, 1ST MAIN ROAD,
KEMPANNA LAYOUT, PALACE GUTAHALLI,
BANGALORE – 560 020.

SRI. G.SHADAKSHARI,
SINCE DECEASED REPRESENTED BY HIS LR'S,

7. SMT. SHANTHA KUMARI.G.
WIFE OF LATE SRI. G.SHADAKSHARI,
AGED ABOUT 74 YEARS,

8. SHRI. SHANKAR.S,
SON OF LATE SRI. G.SHADAKSHARI,
AGED ABOUT 65 YEARS,

9. SACHIN KUMAR.S,
SON OF LATE SRI. G.SHADAKSHARI,
AGED ABOUT 54 YEARS,
RESPONDENT NO.7 TO 9 ARE RESIDING AT
NO.34, 1ST STREET, ANJENAYA TEMPLE STREET,
SHESHADRIPURAM, BANGALORE-560 020.

10. SMT. ANITHA P.K.
DAUGHTER OF LATE SRI. G.SHADAKSHARI,
WIFE OF SRI. PRAVEEN KUMAR.K.R.,
AGED ABOUT 52 YEARS,
RESIDING AT NO. 18, 2ND CROSS,
PALACE CROSS ROAD,
CHAKRAVARTHY LAYOUT,

BANGALORE-560 020.

11. SRI. MANJUNATH,
AGED 78 YEARS,
SON OF LATE GANGAPPA,
RESIDING AT #500, 11TH 'A' CROSS,
WEST OF CHORD ROAD, 2ND STAGE,
MAHALAKSHMI PURAM, BANGALORE-560 086.

12. SMT. SUDHA,
WIFE OF MANJUNATH,
AGED ABOUT 74 YEARS,
RESIDING AT #500, 11TH 'A' CROSS,
WEST OF CHORD ROAD,
2ND STAGE, MAHALAKSHMI PURAM,
BANGALORE-560 086.

13. SMT. UMAYAL,
MAJOR,
DAUGHTER OF LATE GANGAPPA,
RESIDING AT APARTMENT BEARING NO.38/10,
GEETHA APARTMENT, UPPER STREET,
BESANT NAGAR, CHENNAI-600 001,
TAMIL NADU.

SMT. SARVAMANGALAMMA,
SINCE DEAD BY HER LR'S

14. SMT. SHANTHA KUMARI.G,
WIFE OF LATE SRI. SHADAKSHARI,
AGED ABOUT 74 YEARS,
RESIDING AT NO.34, 1ST STREET,
ANJENAYA TEMPLE STREET,
SHESHADRIPURAM, BANGALORE-560 020.

15. SRI. GURUPRASAD,
SON OF GURUBASAVAIAH,
AGED ABOUT 79 YEARS,
RESIDING AT NO.1134, 5TH 'C' CROSS,
4TH BLOCK, JAYANAGAR,
BANGALORE-560 011.

16. NIJAGUNAMURTHY,
SON OF GURU BASAVAIH,
AGED ABOUT 76 YEARS,
RESIDING AT NO 34, GREEN FIELD-ii,
SINGAPUR GARDEN, GUBBLA GATE,
DODDAKALSHANDRA, BANGALORE-560 062.

17. SRI. DR. G.MANJUNATHA,
SON OF GURU BASAVAIAH,
AGED ABOUT 76 YEARS,
RESIDING AT NO.2718,
17TH 'C' CROSS, BSK 2ND STAGE,
BANGALORE-560 070.

18. SRI. G.SOMASUNDAR,
SON OF GURU BASAVAIAH,
AGED ABOUT 72 YEARS,
RESIDING AT NO.2718,
17TH 'C' CROSS, BSK 2ND STAGE,
BANGALORE-560 070.

19. SRI. PRABUSHANKAR,
SON OF GURU BASAVAIAH,
AGED ABOUT 70 YEARS,
RESIDING AT NO.D-29/5,
DRDO TOWNSHIP, PHASE II,
KAGGADASANAPURA,
C.V.RAMAN NAGAR POST,
BANGALORE-560 093.

20. SMT. NIRMALA,
WIFE OF SHIVAKUMAR,
AGED ABOUT 64 YEARS,
RESIDING AT NO.16,
YAMUNABAI ROAD,
MADHAVNAGAR,
BANGALORE-560 001.

21. SMT.RUDRANAMMA,
MAJOR, DAUGHTER OF LATE GANGAPPA,
RESIDING AT C/O HEMAVATHY,
LORRY SERVICE, CHANNA KESHAVA,

TEMPLE STREET, TARIKERE,
CHIKAMANGALURU DISTRICT-577 228.

22. SMT.CHANDRAMMA,
MAJOR,
DAUGHTER OF LATE GANGAPPA,
RESIDING AT #380, POORNIMA,
4TH 'D' MAIN ROAD,
12TH CROSS, WEST OF CHORD ROAD,
2ND STAGE, BANGALORE-560 086.

23. SMT. SARVAMANGALA GOWRI,
MAJOR, DAUGHTER OF LATE GANGAPPA,
RESIDING AT #54/8, 1ST 'B' CROSS,
MARENAHALLI MAIN ROAD,
VIJAYNAGAR, BANGALORE-560 040.

24. SMT.VANAJAKSHI,
MAJOR, DAUGHTER OF LATE GANGAPPA,
RESIDING AT #52, 1ST 'B' MAIN,
NEW TOWN, YELAHANKA, BANGALORE-560 064.

25. SMT.UMADEVI, @ SAVITRI,
MAJOR, DAUGHTER OF LATE GANGAPPA,
RESIDING AT #42, 14TH CROSS, 2ND STAGE,
2ND PHASE, WEST OF CHORD ROAD,
MAHALAKSHMI PURAM, BANGALORE-560 086.

26. THE GENERAL MANAGER,
BANGALORE TELECOM DISTRICT,
BSNL TELEPHONE HOUSE,
RAJBHAWAN ROAD,
BANGALORE - 560 001.

27. THE CENTRAL REPAIR WORKSHOP
AND STORES (CRW AND STORES),
BSNL, BANGALORE,
REPRESENTED BY ITS STORE MANAGER,
HAVING ITS OFFICE AT
#24/7, AND 25/6, 2ND CROSS,
LORRY STAND GODOWN,
YESHWANTPUR,

BANGALORE-560 022.

28. SRI. RAJANNA,
SON OF NAJAIAH,
MAJOR,
RESIDING AT #24/7, AND 25/6,
2ND CROSS, LORRY STAND GODOWN,
YESHWANTPUR, BANGALORE-560 022.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS IN OS NO. 2740/2010 ON THE FILE OF XVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (CCH NO. 12) CULMINATING IN THE ORDER IMPUGNED. QUASH THE ORDER IMPUGNED PASSED BY THE COURT OF THE XVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (CCH NO. 12), IN OS NO. 2740/2010 DATED 2.2.24 ON IA NO.8 AS AT ANNEXURE-E ON INTERLOCUTORY APPLICATION AND ALLOW THE INTERLOCUTORY APPLICATION AS PRAYED FOR AND ETC.

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

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

1. Learned counsel for the petitioner has filed a memo stating that the challenge in the present petition was to an application seeking recall to PW1. However, he submits that PW1 has since passed away, thus, the challenge no longer survives. The memo is taken on record.

2. Given these contentions, the writ petition is dismissed as infructuous. Pending Applications, if any, stands closed.

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

JJ
List No.: 1 Sl No.: 17