HC-KAR

NC: 2026:KHC:59663
WP No. 14048 of 2026

CNR: KAHC010297022026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 14048 OF 2026 (GM-CPC)

BETWEEN:

1. M. M. PURUSHOTTAMA
AGED ABOUT 77 YEARS,
S/O LATE MANJUNATHAYYA
DEVI KRUPA, 3RD BLOCK,
NEAR MANGALYA PROSPER APARTMENT,
J.P.NAGAR 9TH PHASE,
VTC, POST, ANJANAPURA.
BENGALURU 560108

2. M.M.KRISHNAMOORTHY,
AGED ABOUT 73 YEARS,
S/O LATE MANJUNATHAYYA,
SHANUBOGARA MANE,
MARAVANTE VILAGE AND POST,
BYNDOOR TALUK UDUPI DT. 576224

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

3. M.M.LAKSHMINARAYANA,
AGED ABOUT 70 YEARS,
S/O LATE MANJUNATHAYYA,
SHANUBOGARA MANE,
MARAVANTE VILAGE AND POST,
BYNDOOR TALUK UDUPI DT. 576224

4. SUCHITRA PURANIK,
AGED ABOUT 50 YEARS,
W/O SRINIVASA PURANIK, 12,
ABHINAVA, NSC BOSE ROAD,
NEAR CHURCH ROAD, JARGANAHALLI,

JP NAGAR POST,
BANGALORE 560 078

5. M.SANMATHI,
249-260, 9TH MAIN,
LAKKASANDRA EXTN. WILSON GARDEN,
BANGALORE 560030

6. DR.K.S.VENKATESH,
S/O LEELAVATHI NAKSHATRI,
413, RADIANT ELITAIR,
JUMBOSWARI ROYAL COUNTRY
JP NAGAR 8TH PHASE, KOTHNUR,
BANGALORE 560 078

7. VIJAYA K.S.,
S/O LEELAVATHI NAKSHATRI,
VILLA NO.H8 NVT, MYSTIC GARDEN,
SARJAPUR ATTIBELE ROAD,
INDIABELE VILLAGE,
BANGALORE 562107

8. K.S.JAYASUDHA
W/O LAKSHMINARAYAN MAIYYA
FLAT NO.106, MBM ROHITH RESIDENCY,
OPP. BWSSB WATER TANK,
KOTHANUR DINNE MAIN ROAD,
JP NAGAR 8TH PHASE,
BANGALORE 560 078

9. KALYANI MADHYASTA,
AGED ABOUT 72 YEARS,
W/O VENKATARAMANA MADHYASTA,
SHANUBOGARA MANE,
MARAVANTE VILAGE AND POST,
BYNDOOR TALUK UDUPI DT. 576224

10. M.YAMUNA,
AGED ABOUT 66 YEARS,
W/O RAMESH RAO, III FLOOR,

PRESTIGE ARCADE,
RAMASWAMY CIRCLE,
MYSORE

11. LAKSHMI,
AGED ABOUT 64 YEARS,
W/O VENUGOPALA RAO,
MELKOPPA POST, OKKALIKE,
KOPPA TALUK, CHICKMAGALUR DIST.

…PETITIONERS

(BY SRI PUTHIGE R RAMESH, SENSIOR COUNSEL FOR
SMT. LAKSHMI E., ADVOCATE)

AND:

1. M NAGARAJA HEBBAR
AGED ABOUT 60 YEARS
S/O LATE RAMAKRISHNA, 2-198,
BOPADI ROAD, KORANGARAPADI,
UDUPI TALUK UDUPI DT. 574118

2. M.ACHUTHA HEBBAR,
AGED ABOUT 58 YEARS
S/O LATE RAMAKRISHNA,
SHREEDHAMA, 3RD CROSS, ASHOK NAGAR,
SHIVAMOGGA 577201

3. VIJAYANTHI KARANTH,
AGED ABOUT 56 YEARS,
W/O SRINIVASA KARANTH,
ARUNA, 8-1-37, L.L.R.ROAD,
KUNJIBETTU, UDUPI TALUK
UDUPI DT. 576102

4. POORNIMA,
AGED ABOUT 54 YEARS,
W/O SHIVASHANKARAYYA,
GALITHOTA, KUNCHEBAILU,
BETTAGERE MASIGE,

SRINGERI TALUK,
CHICKMAGALUR DIST 577319.

5. M.RAJASHEKARA HEBBAR,
AGED ABOUT 52 YEARS
S/O LATE RAMAKRISHNA,
SAMSKRUTI. 2ND CROSS, 2ND MAIN,
KINNIMULKI, VEGAS TOWNSHIP,
UDUPI TALUK UDUPI DT. 576101

6. VEENA S HEBBAR,
AGED ABOUT 53 YEARS,
W/O LATE SUBRAMANYA 4/16,
HARINIVASA, KOLAMBE,
C.J.CHURCH ADJ ROAD, 76,
BADAGUBETTU, MOODU BAILOOR,
UDUPI TALUK UDUPI DT. 576101

7. SUNANDINI HEBBAR,
AGED ABOUT 27 YEARS,
D/O LATE SUBRAMANYA 4/16, HARINIVASA,
KOLAMBE, C.J.CHURCH ADJ ROAD, 76,
BADAGUBETTU, MOODU BAILOOR,
UDUPI TALUK UDUPI DT. 576101

8. SUMEDHINI HEBBAR,
AGED ABOUT 23 YEARS,
D/O LATE SUBRAMANYA
4/16, HARINIVASA, KOLAMBE,
C.J.CHURCH ADJ ROAD,
76, BADAGUBETTU, MOODU BAILOOR,
UDUPI TALUK UDUPI DT. 576101

9. M.KRISHNA HEBBAR,
AGED ABOUT 44 YEARS
S/O LATE RAMAKRISHNA,
4/48, AMMA, VEERAHANUMAN CROSS RD,
CHITPADY VILLAGE,
UDUPI TALUK 576101

10. PADMAVATHI HEBBAR,
AGED ABOUT 70 YEARS
S/O LATE RAMAKRISHNA,
4/48, AMMA, VEERAHANUMAN CROSS RD,
CHITPADY VILLAGE UDUPI TALUK
UDUPI DT. 576101

11. M.SRIDHARA HEBBAR,
AGED ABOUT 44 YEARS
S/O LATE M.SEETHARAMA,
R/O SAMPADA HOUSE, MARAVANTE POST,
BYNDOOR TALUK, UDUPI DT. 576224,

12. SHARADA H.S.,
AGED ABOUT 55 YEARS,
W/O LATE M.S. NARENDRA,
VENKADARI NIVAS 650, 2ND STAGE,
6TH CROSS, NAGEGOWDA EXTN,
KUSHALNAGAR,
KODAGU DIST 571234

13. PRADYOTHA M N
AGED ABOUT 20 YEARS,
S/O LATE M.S.NARENDRA,
VENKADARI NIVAS 650,
2ND STAGE, 6TH CROSS,
NAGEGOWDA EXTN, KUSHALNAGAR,
KODAGU DIST 571234

14. DITHA.M.N.,
AGED ABOUT 18 YEARS,
D/O LATE M.S.NARENDRA,
VENKADARI NIVAS 650, 2ND STAGE,
6TH CROSS, NAGEGOWDA EXTN,
KUSHALNAGAR,
KODAGU DIST 571234

…RESPONDENTS

(VIDE ORDER DATED 28.10.2026
NOTICE TO RESPONDENTS IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE LEARNED TRIAL JUDGE IN THE COURT OF CIVIL JUDGE AND JMFC AT BAINDURU TO TAKE UP O.S.NO.438/2023 PENDING ON ITS FILE AFTER IT WAS TRANSFERRED AS O.S.NO.279/2010 FROM THE COURT OF CIVIL JUDGE, KUNDAPURA OUT OF TURN AND DISPOSE OF THE SAME EXPEDITIOUSLY WITHIN A TIME-BOUND PERIOD.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present petition is filed seeking a writ of mandamus directing the Trial Court to dispose of O.S. No.438/2023 expeditiously.

2. Learned Senior Counsel appearing for the petitioners submits that the suit for partition was instituted in the year 2010 and that, even after the lapse of 16 years, the suit has not made any substantial progress. It is submitted that the suit is still at the stage of evidence. Having regard to the age of the parties to the suit, learned Senior Counsel submits that the Trial Court may be directed to dispose of the suit expeditiously.

3. Considering the submissions made by the learned Senior Counsel, in view of the limited interference, this Court is

inclined to make notice to the respondents stands dispensed with.

4. The suit was instituted in the year 2010 and was subsequently renumbered as O.S. No.438/2023. The parties were aged between 44 and 77 years as of 2010. Having regard to the nature of the suit and the age of the parties, this Court finds that the progress made in the suit is unsatisfactory. No compelling reasons are seen justifying the delay in the progress of the proceedings. In that view of the matter, this Court is inclined to entertain the petition.

5. Accordingly, the following:

O R D E R

The writ petition is ***disposed of*** with a direction to the Trial Court to dispose of O.S. No.438/2023 expeditiously and, in any event, within an outer limit of 18 months from today.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 8