HC-KAR

CNR: KAHC010465392024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

WRIT APPEAL NO.1228 OF 2024 (GM-CPC)

BETWEEN:

1. M/S. ANU BUILDERS AND DEVELOPERS
A PARTNERSHIP FIRM
HAVING ITS OFFICE AT,
NO.119, 4TH CROSS,
MALLAPPA LAYOUT, KALYANANAGAR,
BANGALORE-560043.

REP. BY ITS MANAGING PARTNER,
SRI. M. VENKATARAM S/O SRI K. MUNIYAPPA,
AGED ABOUT 57 YEARS,
R/O NO.83/1,
MALLAPPA LAYOUT,
BABUSAPALYA POST,
KALYAN NAGAR,
BANGALORE-560043.

Digitally signed by RAKSHA
Location: high court of karnataka

...APPELLANT

(BY SRI. ADINARAYANAPPA., ADVOCATE)

AND:

1. VASATHI AVANTE APARTMENT OWNERS
WELFARE ASSOCIATION ®

(REGISTERED UNDER THE KARNATAKA SOCIETIES REGISTRATION ACT, 1960),
R/O SY. NO.84-1,
VASATHI AVANTE APARTMENTS,
RACHENAHALLI, SRK NAGARA POST,
THANISANDRA,
BANGALORE-560077.
REPT. ITS PRESIDENT,
SRI. AMARESH MAREKAR.

2. BACHPAN KINDERLAA DAYCARE AND ACTIVITY CENTRE,
R/O SY. NO.84-1,
VASATHI AVANTE APARTMENTS, RACHENAHALLI,
SRK NAGARA POST,
THANISANDRA,
BANGALORE-560077.
REP. BY ITS RSVP.
MRS. DEEPA MANJUNATH.

…RESPONDENTS

THIS WRIT APPEAL FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO CALL FOR RECORDS ON THE FILE OF SINGLE JUDGE OF THIS HON'BLE COURT IN W.P. NO.11215/2024 (GM-CPC) AND AFTER PERUSING THE RECORDS SET ASIDE THE IMPUGNED ORDER DATED: 21/06/2024, PASSED IN W.P. NO.11215/2024 (GM-CPC) PASSED BY THE SINGLE JUDGE OF THIS HON'BLE COURT AND TO ALLOW THIS WRIT APPEAL AND ETC.,

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE K.S.BHARATH KUMAR

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

1. Heard learned counsel appearing for the appellant.

2. We notice that this appeal is preferred against the judgment of the learned Single Judge of this Court in W.P.No.11215/2024. The prayer in the writ petition was as follows;

> *"To issue a Writ of certiorari or any other suitable writ setting aside the order I.A.No.1 dated 27.03.2024 in O.S.2230/2024 in the court of the Hon'ble XX Additional City Civil and Sessions Judge, Bengaluru (CCH-32) at Annexure-A, ETC."*

3. It is clear that the appeal is attempted against an order passed by the learned Single Judge in the Writ Petition (GM-CPC). It is quite obvious that the consideration was in the matter where the power exercised

by this Court was under Article 227 of the Constitution of India and specifically in a matter which was pending before the Civil Court. The decision of the larger Bench of this Court in the case of ***Tammanna & others Vs. Miss.Renuka*** **& others** reported in ***2009 SCC OnLine Kar 123*** clearly held that a writ appeal under Section 4 of the Karnataka High Court Act, 1961 would not lie as against the exercise of jurisdiction in GM-CPC matter under Article 227 of the Constitution of India.

4. We are of the opinion that this appeal is not maintainable and the same is accordingly ***dismissed***.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(K.S.BHARATH KUMAR)
JUDGE

GH : List No.: 1 Sl No.: 31