CNR: KAHC010576642024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 27350 OF 2024 (GM-CPC)

BETWEEN:

1. INCHARA.S
   AGED ABOUT 11 YEARS,

2. DHANYATHA.S
   AGED ABOUT 9 YEARS,

3. HARSHINI.S
   AGED ABOUT 5 YEARS,

   ALL THREE ARE MINORS,
   GRAND CHILDREN OF M.NARAYANASWAMY,
   REPRESENTED BY THEIR MOTHER MANJULA AS
   NATURAL GUARDIAN,
   AGED ABOUT 30 YEARS,
   W/O SHYAMSUNDAR (RESPONDENT NO.3)
   RESIDING AT 63, 23rd WARD, AKKUPET,
   DEVANAHALLI, BANGALORE RURAL DISTRICT.
   PINCODE-562 110.

...PETITIONERS

(BY SRI. SURESH.K., ADVOCATE)

Digitally signed by
JAI JYOTHI J
Location:HIGH
COURT OF
KARNATAKA

AND:

1. M.NARAYANASWAMY
   SON OF MUNISHAMAPPA,
   AGED ABOUT 69 YEARS,

2. M.N.CHANDRAKANTH
   SON OF M.NARAYANASWAMY,
   AGED ABOUT 42 YEARS,

3. M.N.SHAYMSUNDAR
SON OF M.NARAYANASWAMY,
AGED ABOUT 37 YEARS,

4. M.N.KISHORE
SON OF M.NARAYANASWAMY,
AGED ABOUT 33 YEARS,

RESPONDENT NO.1 TO 4 IS
RESIDING AT 23rd WARD,
AKKUPET, DEVANAHALLI,
BANGALORE RURAL DISTRICT,
PIN CODE-562 110.

…RESPONDENTS

(BY SRI. SHIVA PRASAD.E., ADVOCATE)

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THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE LOWER COURT TO CONSIDER AND PASS APPROPRIATE ORDER ON INTERIM APPLICATION NO.1 VIDE ANNEXURE-C FILED ON DATED: 17.09.2024 FILED BY THE PLAINTIFFS IN THE O.S.NO. 950/2024 ON THE FILE OF THE 3RD ADDITIONAL SENIOR CIVIL JUDGE AND JMFC DEVANAHALLI.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: **HON'BLE MS. JUSTICE TARA VITASTA GANJU**

ORAL ORDER

1. The limited prayer in the present petition is to direct the learned Trial Court to consider and pass appropriate orders on the interim application [I.A.No.I] filed by the plaintiffs on 17.09.2024 in O.S.No.950/2024, under Order

XXXIX Rule 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908, on the file of the learned III Additional Senior Civil Judge and JMFC, Devanahalli. The prayers sought in the petition are set out below:

> *"Wherefore it is prayed that this Hon'ble Court be pleased.*
>
> *(a) Issue any other appropriate writ order or Directions to Trial Court to consider and pass appropriate order on interim Application no.1 vide Annexure C (filed on dated 17.09.2024 filed by the plaintiffs in the O.S.No.950/2024, on the file of the 3rd Additional Senior Civil Judge and JMFC, Devanahalli.*
>
> *(b) Issue any other appropriate writ order or Directions as this Hon'ble Court deems fit under the facts and circumstances of the case, in the interest of justice and equity."*

2. The learned counsel for the respondents/defendants in addition, contends that the application is still pending before the learned Trial Court and thus, in any event, this petition is not maintainable.

3. At this stage, the learned counsel for the petitioner submits that he is limiting his prayer in the present petition to a direction that the learned Trial Court may be directed to consider his application which is pending, expeditiously.

4. The learned counsel for the respondents/defendants submits that he has no objection to this contention, since the application still remains pending.

5. Accordingly, the petition is ***disposed of***, with a request to the learned Trial Court to hear and decide the application at the earliest, since the application has been pending since 17.09.2024.

6. It is clarified that the Court has not examined the matter on merits. The rights and contentions of both parties are left open to be agitated before the learned Trial Court.

7. All pending applications stand closed.

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

(TARA VITASTA GANJU)
JUDGE

BMV*
List No.: 1 Sl No.: 18