HC-KAR

NC: 2026:KHC:62356
WP No. 31455 of 2026

CNR: KAHC010690242026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 31455 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. JOTHI NIRMALA,
   W/O ALAM PRASHANTH,
   AGED ABOUT 42 YEARS,
   RESIDING AT NO. 51,
   MRS PALYA, NANDI DURGA ROAD,
   NEAR AIRTEL OFFICE,
   BENGALURU 560046.

2. SMT. MARIYAMMA
   W/O SRI RAMESH A.,
   AGED ABOUT 54 YEARS,
   RESIDING AT NO. 277,
   MRS PALYA, NANDI DURGA ROAD,
   NEAR AIRTEL OFFICE,
   BENGALURU 560046.

...PETITIONERS

(BY SRI KARTHIK B. Y., ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SRI D.B. SRINIVAS,
   S/O LATE BALAKRISHNA,
   AGED ABOUT 53 YEARS.

2. SRI D.B. LAKSHMIKANTH,
   S/O LATE BALAKRISHNA,
   AGED ABOUT 53 YEARS.

BOTH RESIDING AT
WARD NO.6, TALUK OFFICE ROAD,
ANNAYAPPA CHATHRA HIMBAGA,
DEVANAHALLI TOWN,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT - 562110.

…RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE LEARNED I ADDITIONAL SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI TO HEAR, TRY, AND DISPOSE OF THE SUIT O.S. NO.813/2024 ON MERITS WITHIN A TIME-BOUND PERIOD OF 3 (THREE) MONTHS FROM THE DATE OF RECEIPT OF THE ORDER OF THIS HON'BLE COURT.

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 direction to the Trial Court for expeditious disposal of O.S. No.813/2024.

2. Learned counsel for the petitioners submits that the suit is one for specific performance. Issues were framed in the year 2025, and thereafter, the plaintiffs have completed their examination-in-chief and marked documents in evidence. However, the matter has been adjourned for cross-examination since 27.09.2025.

2.1 It is submitted that adjournments are being granted without any justifiable reasons, thereby contributing to the delay in adjudication of the suit.

3. Considered the submissions made by learned counsel for the petitioners and perused the order sheet.

4. The suit for specific performance was instituted on 12.08.2024. Pleadings are complete, and issues were framed on 13.01.2025. PW.1 completed his examination-in-chief on 27.09.2025. Thereafter, the matter was posted for cross-examination of PW.1 by the defendants. On more than 14 occasions, it appears that the Trial Court has granted adjournments merely on request.

5. Adjournments are to be granted only for valid and sufficient reasons and not as a matter of course on mere asking. It is evident from the order sheet that the cross-examination of the plaintiffs' witness is being delayed by the defendants, apparently for reasons best known to them, which the Trial Court has failed to take note of.

6. The suit is of the year 2024. The delay in its progress cannot be attributed to any lack of cooperation on the part of the plaintiffs. Rather, it is attributable to the liberal adjournments granted by the Trial Court, which could have been avoided by exercising appropriate judicial discretion.

7. In that view of the matter, the Trial Court is directed to conclude the proceedings and dispose of the suit within 18 months from today.

Accordingly, the petition stands ***disposed of***.

SD/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 9