HC-KAR

NC: 2026:KHC:62829
WP No. 31750 of 2026

CNR: KAHC010692732026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 31750 OF 2026 (GM-CPC)

BETWEEN:

SRI.S.C.MUNIRAJU,
S/O LATE CHIKKASUBBAIAH,
AGED ABOUT 63 YEARS,
R/A SURADENUPURA VILAGE,
HESARAGHATTA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU 560 088.

...PETITIONER

(BY SRI. DEVENDRA N.,ADVOCATE)

AND:

1. SRI. YALLAPPA @ PAPANNA,
S/O LATE MUNIVEERAPPA,
AGED ABOUT 73 YEARS,
R/A KOLUVARAYANAHALLI VILLAGE,
HESARAGHATTA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU 560 088.

2. SRI. YALLAPPA. K. P,
S/O YALLAPPA @ PAPANNA,
AGED ABOUT 50 YEARS,
R/A KOLUVARAYANAHALLI VILLAGE,
HESARAGHATTA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU 560 088.

Digitally signed by VIJAYA P
Location: High Court of Karnataka

3. SRI. KRISHNAPPA. P,
S/O YALLAPPA @ PAPANNA,
AGED ABOUT 48 YEARS,
R/A KOLUVARAYANAHALLI VILLAGE,
HESARAGHATTA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU 560 088.

4. SRI. UMASHANKAR,
S/O YALLAPPA @ PAPANNA,
AGED ABOUT 46 YEARS,
R/A KOLUVARAYANAHALLI VILLAGE,
HESARAGHATTA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU 560 088.

5. SRI. P. SURESH,
S/O YALLAPPA @ PAPANNA,
AGED ABOUT 44 YEARS,
R/A KOLUVARAYANAHALLI VILLAGE,
HESARAGHATTA HOBLI,
BENGALURU NORTH TALUK,
BENGALURU 560 088.

6. AGROACRE FARMS,
A PARTNERSHIP FIRM
REP. BY ITS PARTNERS
MR. MANJUNATHA SRINIVAS,
OFFICE AT FLAT NO. B008,
GROUND FLOOR, FORTUNA PARK APARTMENTS,
8TH 'A' MAIN, 12TH CROSS,
CANARA BANK LAYOUT,
VIDYARANYAPURA POST,
BENGALURU 560 097.

7. SRI. SHON BALAKRISHNA YADAV,
S/O BALAKRISHNA DINKARRAO YADAV,
AGED ABOUT 39 YEARS,
R/A NO. E210, INLAND,

EVERGLADES APARTMENTS,
DASARAHALLI MAIN ROAD,
MARUTHI LAYOUT, HEBBAL KEMPAPURA,
BENGALURU 560 024.

8. SRI. T. M. VENKATESHA GOWDA,
S/O MUNIYAPPA,
AGED ABOUT 65 YEARS,
R/A NO. 11, MANJUNATHA NILAYA,
FIRST FLOOR, JAIRAM LAYOUT,
JAKKUR, BENGALURU NORTH,
BENGALURU 560 064.

9. SMT. RUCHIKA NEMA
W/O PRASHANTH KUMAR
AGED ABOUT 40 YEARS
R/A FLAT NO. 103
ADITYA HOMES APARTMENTS
14TH CROSS, 8TH MAIN
NEAR JDB INTERNATIONAL SCHOOL
JUDICIAL LAYOUT
BENGALURU-560065

10. MRS. SWATI PRAKASH DUDILE
D/O PRAKASH DUDILE
AGED ABOUT 68 YRS
R/A NO. 4, VYANKATESH NAGAR
AMBEJOGAI ROAD, LATUR
MAHARASHTRA-413512

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO APPROPRIATE WRIT OR ORDER DIRECTING THE COURT IN O. S. NO. 23 / 2023 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC, GAURIBIDANUR TO DISPOSE OF IA NO. 1 FILED BY THE PETITIONER UNDER ORDER 39 RULES 1 AND 2 OF CPC WITHIN A TIME FRAME AS THIS HON'BLE COURT MAY DEEM FIT ETC.

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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 writ petition is filed seeking a limited direction to the Trial Court to consider and dispose of the applications filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, expeditiously.

2. Learned counsel appearing for the petitioner submits that the suit has been instituted seeking the relief of specific performance, along with applications under Order XXXIX Rules 1 and 2 of the CPC, seeking an order of temporary injunction restraining the defendants from alienating the suit schedule property or creating any third-party interests therein. However, the said applications have remained pending consideration for more than three years and six months.

3. I have considered the submissions made by learned counsel appearing for the petitioner.

4. Having regard to the limited nature of the relief sought in this writ petition, this Court is of the considered opinion that issuance of notice to the respondents is unnecessary. Accordingly, notice to the respondents is dispensed with.

5. The suit is one for specific performance, wherein the petitioner has also sought an order of temporary injunction restraining the defendants from alienating or creating third-party interests in respect of the suit schedule property. During the pendency of the suit, it is necessary to preserve the nature and character of the suit schedule property, subject to the petitioner establishing a prima facie case for grant of such relief.

6. Consideration of the applications filed under Order XXXIX Rules 1 and 2 of the CPC is essential to ensure preservation of the subject matter of the suit pending adjudication and to avoid multiplicity of proceedings. If the applications seeking restraint against alienation are not considered in a timely manner, there is a possibility of third-party interests being created, which may complicate the proceedings and potentially prejudice the rights

of the parties, besides affecting the efficacy of the decree that may ultimately be passed.

7. The Trial Court ought to have considered the applications within a reasonable time, particularly having regard to the nature of the reliefs sought therein. This Court finds no justifiable reason for the continued pendency of the applications for more than three years and six months.

8. Accordingly, the following order:

O R D E R

I. The Trial Court is directed to consider and dispose of the applications filed under Order XXXIX Rules 1 and 2 of the CPC, seeking temporary injunction restraining the defendants from alienating the suit schedule property, within an outer limit of six weeks from the date of receipt of a copy of this order.

II. Needless to observe, any other applications pending consideration before the Trial Court shall also be considered and disposed of expeditiously, in accordance with law.

III. Learned counsel for the petitioner is directed to place a copy of this order before the Trial Court for compliance and, if necessary, seek advancement of the suit for the said purpose.

With the above observations and directions, the writ petition stands ***disposed of***.

Sd/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 1 Sl No.: 9