HC-KAR

NC: 2026:KHC:61420
WP No. 32872 of 2026

CNR: KAHC010722092026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 32872 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. SUBRAMANYA. A. M.,
   S/O. SRI. A.S. MANJANATHIAH,
   AGED ABOUT 52 YEARS.
   RESIDING AT FLAT NO. C-3834,
   BRIGADE MEADOWS PHASE 1,
   SAALU HUSANE VILLAGE,
   OPP. ANJANEYA TEMPLE,
   UDAYAPURA POST, KANAKAPURA ROAD,
   BANGALORE 560082.

...PETITIONER

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

(BY SRI. SWAROOP S., ADVOCATE)

AND:

1. M/S. BRIGADE MEADOWS APARTMENT
   OWNERS ASSOCIATION (PHASE 1),
   BRIGADE MEADOWS APARTMENT,
   PHASE-1, SAALU HUSANE VILLAGE,
   OPP. ANJANEYA TEMPLE, UDAYAPURA POST,
   KANAKAPURA ROAD,
   BENGALURU 560082,
   REPRESENTED BY ITS SECRETARY.

SOCIETY REGISTRATION ACT 1986.

2. THE PRESIDENT,
M/S. BRIGADE MEADOWS APARTMENT
OWNERS ASSOCIATION (PHASE 1),
BRIGADE MEADOWS APARTMENT,
PHASE-1, SAALU HUSANE VILLAGE,
UDAYAPURA POST,
KANAKAPURA ROAD,
BENGALURU - 560082.

…RESPONDENTS

(BY SRI. NAIK ASHOK KASHINATH, ADVOCATE FOR R1)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE PRL. CIVIL JUDGE BENGALURU RURAL TO CONSIDER AND DISPOSE OF I A NO. 7 FILED UNDER ORDER XXXIX RULE 2A OF CPC IN O S NO. 636/2025 EXPEDITIOUSLY PREFERABLY WITHIN A TIME FRAME FIXED BY THIS HONBLE COURT.

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

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

ORAL ORDER

The limited grievance in the present petition is with regard to the expeditious disposal of I.A. No. 7, filed under Order XXXIX Rule 2A of the CPC. By order dated 03.10.2026, the defendants in O.S. No. 636/2025 were directed to restore the plaintiff's name as a primary member of the association and were restrained from preventing the plaintiff from using the basic amenities of Brigade Meadows Apartment.

2. This Court finds merit in the prayer for expeditious disposal of the application filed under Order XXXIX Rule 2A of the CPC. The enjoyment of basic amenities is essential to the use and enjoyment of an apartment and cannot be denied without lawful justification. Since the facilities are under the control of the defendants, they cannot be withheld from the petitioner, as they form an integral part of the enjoyment of the apartment. Continued disobedience of the order dated 03.10.2026 would deprive the petitioner of the right to enjoy the apartment along with its basic amenities.

3. In view of the above, the Trial Court is directed to expedite the proceedings and dispose of the pending application in I.A. No. 7, filed under Order XXXIX Rule 2A of the CPC, within four weeks from today.

4. Accordingly, writ petition stands ***disposed of***.

Sd/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 Sl No.: 20