HC-KAR

NC: 2026:KHC:63670
WP No. 32907 of 2026

CNR: KAHC010725412026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 32907 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. YASHODAMMA
   D/O LATE YERAPPA,
   AGED ABOUT 45 YEARS,
   SIGATAGERE, GANGASANDRA POST,
   GOWRIBIDANUR TALUK,
   CHIKKABALLAPURA DISTRICT - 561208.

2. SRI. VENKATASHIVA REDDY
   S/O LATE RAMI REDDY,
   AGED ABOUT 46 YEARS,
   C/O ADDEVISHWANATHAPURA,
   ARAKERE POST, HESARAGHATTA HOBLI,
   BANGALORE NORTH TALUK - 562163.

3. SMT. SUSHEELAMMA
   W/O NAGARAJAREDDY,
   AGED ABOUT 61 YEARS,
   ADDEVISHWANATHAPURA ARAKERE POST,
   HESARAGHATTA HOBLI,
   BANGALORE NORTH TALUK - 562163.

...PETITIONERS

(BY SRI. D.R. RAVISHANKAR, SENIOR ADVOCATE FOR
SRI. KRISHNA MURTHY N., ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SRI. NARAYANA REDDY
S/O LATE YERAPPA REDDY
AGED ABOUT 70 YEARS
ADDEVISHWANATHAPURA,
ARAKERE POST
HESARAGHATTA HOBALI
BANGALORE NORTH TALUK - 562136

SINCE DEAD LEGAL HEIRS OF THE
1ST RESPONDENT NARAYANAREDDY

SRI. NAGARAJAREDDY
S/O. LATE NARAYANAREDDY
AGED ABOUT 59 YEARS,

2. SRI. JAYARAMAREDDY
S/O. LATE NARAYANAREDDY
AGED ABOUT 53 YEARS,

3. SRI. RAMAKRISHNAREDDY
S/O LATE NARAYANAREDDY
AGED ABOUT 51 YEARS,

4. SRI. GOPALAIAH
S/O. LATE NARAYANAREDDY
AGED ABOUT 49 YEARS,

5. SMT. PADMA. N.,
D/O LATE NARAYANAREDDY
AGED ABOUT 48 YEARS,

6. SRI. ASHWATHAREDDY
S/O LATE NARAYANAREDDY
AGED ABOUT 47 YEARS,

7. VINAY. R.,
S/O LATE RAJANNA

AGED ABOUT 15 YEARS,

8. MOUNASHREE
D/O LATE RAJANNA
AGED ABOUT 12 YEARS
(SINCE BOTH ARE MINORS
REPRESENTED BY THEIR GRAND MOTHER
SMT. CHINNAMMA
W/O LATE NARAYANAREDDY),

9. SMT. ROOPADEVI
D/O LATE NARAYANAREDDY
AGED ABOUT 40 YEARS,

ALL ARE RESIDING AT
ADDEVISHWANATHAPURA VILLAGE,
ARAKERE POST
HESARAGATTA HOBLI,
BANGALORE NORTH TALUK,
BANGALORE DISTRICT - 562163.

10. SRI. NARAPPA REDDY
S/O LATE YERRAA REDDY
AGED ABOUT 65 YEARS
ADDEVISHWANATHAPURA,
ARAKERE POST
HESARAGHATTA HOBALI
BANGALORE NORTH TALUK - 562163.

11. SRI. KRISHNA REDDY
S/O HANUMANTHAPPA
AGED ABOUT 56 YEARS
HONNENAHALLI
SINGANAYAKANAHALLI POST
YELAHANKA, BANGALORE - 560064.

12. SRI. MUNIRAJU REDDY
S/O HANUMANTHAPPA
AGED ABOUT 57 YEARS

HONNENAHALLI,
SINGANAYAKANAHALLI POST
YELAHANKA, BANGALORE - 560064.

13. SMT. JAYAMMA
W/O SHIVA REDDY
AGED ABUOUT 46 YEARS
KOTTANAHALLI,
NAKKALAHALLY POST
NAGEREGERE HOBALI,
GAURINIDANUAR TALUK,
CHIKKABALLAPURA DISTRICT - 561228.

14. SMT. BHAGYAMMA
W/O NAGESH
AGED ABOUT 36 YEARS
CHIKKA THOGURU
ELECTRONIC CITY BANGALORE - 560100.

15. SRI. AVINASH D.B.,
S/O BENAKAPPA B.G.,
AGED ABOUT 39 YEARS
BENAKANAHALLI VILLAGE
HONNALI TALUK
DAVANAGERE DISTRICT - 577224.

16. SRI. DODDA CHENNABASAPPA
S/O SANNA BASAPPA
AGED ABOUT 39 YEARS
MALLEKATTE
DAVANAGERE DISTRICT - 577512.

17. SRI. SYED HUSSAIN
S/O LATE SYED PEER
AGE NOT KNOWN
NO.232, 3RD CROSS,
KRISHNAMURTHY COLONEY SIDDAPURA,
1ST BLOCK,
JAYANAGARA BANGALORE - 560011.

18. SYED MUDASIR
S/O LATE SYED HUSSAIN
AGED ABOUT 44 YEARS
NO.232, 3RD CROSS,
KRISHNAMURTHY COLONEY SIDDAPURA,
1ST BLOCK, JAYANAGARA
BANGALORE - 560011.

19. SYED MUTHAFIR
S/O LATE SYED HUSSAI
AGED ABOUT 39 YEARS
RESIDING AT NO.232, 3RD CROSS,
KRISHNAMURTHY COLONEY SIDDAPURA,
1ST BLOCK, JAYANAGARA
BANGALORE - 560011.

20. SYED MUTHAFIR
S/O LATE SYED HUSSAIN
AGED ABOUT 34 YEARS
R/AT KAMAKSHAMMA LAYOUT
YELAHANKA HOBALI
BANGALORE NORTH TALUK - 560064.

21. AKTHAR JAN
S/O LATE SYED HUSSAIN
AGED ABOUT 58 YEARS
NO.232, 3RD CROSS,
KRISHNAMURTHY COLONEY
SIDDAPURA, 1ST BLOCK,
JAYANAGARA BANGALORE - 560011.

22. ANILKUMAR. H.P.,
S/O PANCHAKSHARAIAH
AGED ABOUT 32 YEARS
R/AT BSSKN
HALABATHI
DAVANAGERE DISTRICT - 577566.

23. PREMA. N.,
W/O K.B. PRABHAKAR
R/AT DYAMDEN SIYANA G-10
KUNDALAHALLI GRAMA
MARATH HALLI
BANGALORE - 560037.

…RESPONDENTS

(VIDE ORDER DATED 17/11/2026 NOTICE TO RESPONDENTS IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE HON'BLE PRINCIPAL DISTRICT AND SESSIONS JUDGE, BENGALURU RURAL DISTRICT, BENGALURU, IN M.A. NO.112/2026, TO CONSIDER AND DISPOSE OF THE APPEAL ARISING OUT OF I.A. NO.1/2025 FILED UNDER ORDER XXXIX RULES 1 AND 2 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908, WITHIN SUCH TIME AS THIS HON'BLE COURT DEEMS FIT AND APPROPRIATE, IN THE INTEREST OF JUSTICE AND EQUITY, AS PES ANNEXURE G AND ETC,.

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 limited direction for expeditious disposal of I.A. No.2/2026, filed under Order 41 Rule 5 of CPC in M.A. No.112/2026.

2. Learned Senior Counsel appearing for the petitioners submits that the suit was instituted seeking partition, along with an application under Order XXXIX Rules 1 and 2 of the CPC. The said application came to be rejected by order dated 02.03.2026, against which an appeal in M.A. No.112/2026 has been preferred, along with an application under Order 41 Rule 5 of CPC.

2.1 It is submitted that the Appellate Court has issued notice to the respondents. Though some of the respondents are evading service of notice, the Appellate Court is not proceeding to adjudicate the application until notice is served on all the respondents. It is further submitted that, in the meantime, taking advantage of the non-service of notice, the suit schedule properties are being alienated, thereby creating third-party rights.

2.2 In support of the aforesaid submission, learned Senior Counsel invites the attention of this Court to the deeds produced at Annexures-J, K, L and M, which are dated between 17.06.2026 and 23.06.2026.

3. Considered the submissions made by learned Senior Counsel for the petitioners and perused the material on record.

4. In view of the limited nature of the direction proposed to be issued, this Court is of the considered opinion that issuance of notice to the respondents is unnecessary. Accordingly, notice is dispensed with.

5. It is a settled position of law that an application seeking interim relief requires timely consideration and that its adjudication cannot be postponed merely for want of service of notice on all the parties to the suit or appeal. The application may be considered and adjudicated upon after hearing those parties who have been duly served, having regard to the necessity of preserving the nature of the suit properties and avoiding multiplicity of proceedings.

6. In that view of the matter, the Appellate Court is directed to consider and dispose of I.A. No.2/2026, filed under Order 41 Rule 5 of CPC, within one month from today. For the said purpose, the petitioners are at liberty to seek advancement of the case.

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

Sd/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 Sl No.: 21