HC-KAR

NC: 2026:KHC:61580
WP No. 33367 of 2026

CNR: KAHC010734922026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 33367 OF 2026 (GM-CPC)

BETWEEN:

SMT. G. ANITHA @ ANITHA SATHEESHA
DAUGHTER OF LATE K.C. GANGADHAR,
WIFE OF T.S.SATHISHA,
RESIDING AT NO.29, OM SRI GANESHA,
2ND A MAIN, 4TH D CROSS,
AGED ABOUT 56 YEARS,
RAMAIAH LAYOUT,
BENGALURU - 560 058.

...PETITIONER

(BY SRI. PUNITH C, ADVOCATE)

AND:

1. SMT. VISHALAKSHAMA
WIFE OF LATE K.C.GANGADHAR,
AGED ABOUT 70 YEARS,
RESIDING AT KOTE EXTENSION,
KUNIGAL TOWN, TUMAKURU DISTRICT - 572 130.

2. SMT. VANI,
WIFE OF LATE G. SUDEER KHAN,
AGED ABOUT 43 YEARS,
RESIDING AT KOTE EXTENSION,
KUNIGAL TOWN, TUMAKURU DISTRICT - 572 130.

3. SRI. JEEVAN GOWDA,
SON OF LATE G. SUDEER KHAN,
AGED ABOUT 21 YEARS,
RESIDING AT KOTE EXTENSION,

Digitally signed by VIJAYA P
Location: High Court of Karnataka

KUNIGAL TOWN,
TUMAKURU DISTRICT - 572 130.

4. KUM. NISARGA,
DAUGHTER OF LATE G.SUDEER KHAN,
AGED ABOUT 18 YEARS,
RESIDING AT KOTE EXTENSION,
KUNIGAL TOWN, TUMAKURU DISTRICT - 572 130.

5. SMT. G.SUNEETHA,
DAUGHTER OF LATE K.C. GANGAHAR,
WIFE OF KEMPRAJU,
AGED ABOUT 52 YEARS,
RESIDING AT ANJANA NAGAR,
MAGADI ROAD, BENGALURU - 560 091.

6. SRI. G. ANILKUMAR,
SON OF LATE K.C. GANGAHAR,
AGED ABOUT 48 YEARS,
RESIDING AT KOTE EXTENSION,
KUNIGAL TOWN, TUMAKURU DISTRICT - 572 130.

…RESPONDENTS

(VIDE ORDER DATED 05.11.2026, NOTICE TO RESPONDENTS IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE LEARNED ADDITIONAL CIVIL JUDGE AND JMFC, KUNIGAL TO DISPOSE OF THE SUIT FILED BY THE PETITIONER IN O.S.NO.370/2018, ON THE FILE OF ADDITIONAL CIVIL JUDGE AND JMFC, MAGADI, WITHIN 6 MONTHS, AS PER ANNEXURE-A WITHOUT FURTHER DELAY.

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

CNR: KAHC010734922026

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

ORAL ORDER

The limited prayer in this writ petition is for a direction to the Trial Court to expedite the disposal of the partition suit in O.S. No.370/2018.

2. Learned counsel appearing for the petitioner submits that the suit was instituted in the year 2018 and that the pleadings are complete. The plaintiff has adduced evidence by way of examination-in-chief, and the documents have also been marked in evidence. However, despite the plaintiff being present before the Trial Court on several dates of hearing, the cross-examination has not been conducted. It is submitted that the Trial Court has been granting adjournments liberally, resulting in undue delay in the disposal of the suit.

3. Considered the submissions made by learned counsel for the petitioner and perused the order sheet placed on record.

4. Having regard to the limited nature of the relief sought and the directions proposed to be issued, issuance of

notice to the respondents is considered unnecessary and is accordingly dispensed with.

5. The suit is one for partition and separate possession and was instituted in the year 2018. It is noticed that some of the parties to the suit are aged between 57 and 70 years. Despite the suit having been instituted several years ago, the proceedings have not progressed beyond the stage of recording the plaintiff's evidence.

6. A perusal of the order sheet does not disclose any compelling reasons justifying the delay in the progress of the proceedings. This Court is prima facie of the view that the suit has been unnecessarily delayed and that the progress of the proceedings is far from satisfactory.

7. In the absence of any compelling reasons recorded by the Trial Court to justify the inordinate delay in the disposal of the suit, this Court is inclined to entertain the present writ petition.

ORDER

(i) The writ petition is ***allowed.***

(ii) The Trial Court is directed to expedite the proceedings in O.S. No. 370/2018 and dispose of the same within an outer limit of 18 months from today.

SD/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 2 Sl No.: 3