HC-KAR

NC: 2026:KHC:61579
WP No. 33517 of 2026

CNR: KAHC010741812026

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. 33517 OF 2026 (GM-CPC)

BETWEEN:

SMT. SHWETHA C.S
W/O. SHARANAGOWDA,
D/O LATE SHIVANNA
AGED ABOUT 38 YEARS,
RESIDING AT KORA VILLAGE AND HOBLI,
TUMAKURU - 572 128

ALSO AT RATHAN NILAYA,
BHEEMAPPA NAGAR,
INDINAGARA, INDI TALUK,
BIJAPUR DISTRICT - 586 209.

...PETITIONER

(BY SRI. SRIKANTH V.K, ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SMT. RAMYA H.R,
D/O LATE RANGAIAH,
W/O RAKESH,
AGED ABOUT 25 YEARS,
R/O RAHEMASANDRA VILLAGE AND POST,
KALLAMBELLA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT - 572 125.

2. SRI. NARASANNA,
S/O LATE KADARAIAH,
AGED ABOUT 78 YEARS,
R/O YALADADLU VILLAGE,
KORA HOBLI, TUMAKURU TALUK,
TUMAKURU DISTRICT - 572 128.

3. SMT. LAKSHMAMMA
@ LAKSHMIDEVAMMA,
D/O NARASANNA,
AGED ABOUT 36 YEARS,
R/O HUNJANALU VILLAGE,
KALLAMBELLA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT - 572 125.

4. SMT. KEMPAMMA,
D/O NARASANNA,
AGED ABOUT 32 YEARS,
R/O HUNJANALU VILLAGE,
KALLAMBELLA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT - 572 125.

5. SMT. NAGAMMA @ NAGARATHNAMMA
D/O NARASANNA,
AGED ABOUT 28 YEARS,
R/O HUNJANALU VILLAGE,
KALLAMBELLA HOBLI,
SIRA TALUK, TUMAKURU DISTRICT - 572 125.

6. SRI. GUDDAIAH,
S/O NARASANNA,
AGED ABOUT 28 YEARS,
R/O HUNJANALU VILLAGE,
KALLAMBELLA HOBLI, SIRA TALUK,
TUMAKURU DISTRICT - 572 125.

7. THE SPECIAL LAND ACQUISITION OFFICER,
KARNATAKA INDUSTRIAL AREAS
DEVELOPMENT BOARD,
TUMAKURU (SIRA DIVISION),

MARUTI TOWERS, B.H. ROAD,
TUMAKURU - 572 103.

…RESPONDENTS

(BY SRI. P.V. CHANDRASHEKAR, ADVOCATE FOR R7;
VIDE ORDER DATED 05.11.2026, NOTICE TO R1 TO R6 IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 226 AD 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE AN DIRECTION IN EXERCISE OF THE SUPERVISORY JURISDICTION, DIRECTING THE LEARNED SENIOR CIVIL JUDGE, SIRA, TO CONSIDER AND DISPOSE OF I.A. NO.1 VIDE ANNEXURE- D FILED UNDER ORDER XXXIX RULES 1 AND 2 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE IN O.S. NO.29/2026, EXPEDITIOUSLY AND WITHIN SUCH TIME AS MAY BE FIXED BY THIS HONBLE COURT 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 limited prayer in this writ petition is for a direction to the Trial Court to expedite the disposal of I.A. No.1, filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, in O.S. No.29/2026.

2. Learned counsel appearing for the petitioner submits that, though the Trial Court issued notice on 21.02.2026 in respect of the pending application and service of

notice has been completed, the said application has remained pending consideration till date.

3. Learned counsel appearing for respondent No.7 submits that, in the absence of any order restraining the disbursement of compensation, there is no impediment to disbursing the compensation amount.

4. Considered the submissions made by Sri. Srikanth V.K., learned counsel appearing for the petitioner, and learned counsel appearing for respondent No. 7, and perused the material on record.

5. Having regard to the limited nature of the relief sought and the directions proposed to be issued, issuance of notice to the other respondents is dispensed with.

6. The suit is one for specific performance. In the said suit, the petitioner has filed an application under Order XXXIX Rules 1 and 2 of the CPC, seeking a direction to defendant No.7 not to disburse the compensation amount in favour of defendant Nos.1 to 6 or any other person.

7. As submitted by learned counsel for the petitioner, the said application has remained pending consideration since 21.02.2026. In view of the completion of service of notice, this Court finds no justifiable reason for the Trial Court to defer consideration and adjudication of the pending application.

8. The nature of the relief sought in the application warrants its immediate consideration, otherwise the very purpose of the application stands defeated, the proceedings would be rendered infructuous, and lead to multiplicity of proceedings.

9. In view of the above, this Court is inclined to entertain the writ petition.

ORDER

(i) The Trial Court is directed to expedite to dispose of I.A. No. 1 filed under Order XXXIX Rules 1 and 2 of CPC, within an outer limit of four weeks from today.

(ii) Until disposal of the said application, respondent No. 7 is restrained from disbursing the

compensation amount in respect of the suit schedule property, if the same has not already been disbursed.

(iii) The petitioner shall place a copy of this order before the Trial Court for compliance and, if necessary, seek advancement of the case.

Sri. P.V. Chandrashekar, learned counsel, accepts notice on behalf of respondent No. 7.

SD/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 2 Sl No.: 5