HC-KAR

NC: 2026:KHC:65168
WP No. 35352 of 2026

CNR: KAHC010776672026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 35352 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. SRIRAMAIAH N. P.,
S/O LATE PATTABIRAMAIAH,
AGED ABOUT 54 YEARS,
R/AT VEDALAVENI VILLAGE,
KASABAHOBLI, GOWRIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT-561208.

...PETITIONER

(BY SRI K. VIJAY KUMAR, ADVOCATE)

AND:

Digitally signed by VIJAYA P
Location: High Court of Karnataka

1. SRI. RAMAKRISHNAPPA
S/O LATE RANGAPPA,
AGED ABOUT 69 YEARS,
R/AT GOWDAGERE VILLAGE,
MANCHENAHALLI HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT-561208.

2. SMT. GANGAMMA,
D/O LATE HANUMANPPA,
AGED ABOUT 66 YEARS,
R/AT MALLASANDRA VILLAGE,
THONDEBHAVI HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT. -561208

3. SMT. GANGAMMA @CHIKKAGANGAMMA,
D/O LATE PATTABHIRAMAIAH,
AGED ABOUT 68 YEARS,
R/AT VIRUPASANDRA VILLAGE,
GOWRIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT- 561208.
SINCE DEAD BY HER L.R

SMT. LAKSHMAMAN
W/O OBANNA,
D/O LATE GANGAMMA,
AGED ABOUT 64 YEARS,
GOWRIBIDANUR TALUK,
R/AT MALLASANDRA VILLAGE,
GOWRIBIDANUR TALUK,
THONDEBHAVI HOBLI,
CHIKKABALLAPUR DISTRICT -561208.

4. SMT. ASHWATHAMMA,
D/O LATE PATTABIRAMAIAH,
AGED ABOUT 49 YEARS,
R/AT KUNTACHIKKANAHALLI VILLAGE,
THONDEBHAVI HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT -561208.

5. SMT. MANJULA,
D/O VENKATASHAMI,
AGED ABOUT 34 YEARS,
R/AT VEDALAVENI VILLAGE,
KASABA HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT -561208.

6. SMT. BHAGYAMMA,
D/O VENKATASHAMI,
AGED ABOUT 34 YEARS,
R/AT VEDALAVENI VILLAGE,
KASABA HOBLI, GOWRIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT -561208.

7. SRI. H. NARASIMHAPPA,
AGED ABOUT 80 YEARS,
S/O HANUMANTHARAYAPPA,
R/AT OPP. TO SUGAR FACTORY,
GOWRIBIDANUR TOWN,
CHIKKABALLAPUR DISTRICT -561208.
DEAD BY HIS L.RS.

SMT. THIMMAKKA,
S/O LATE NARASIMHAPPA,
AGED ABOUT 60 YEARS,
R/AT OPP. TO SUGAR FACTORY,
GOWRIBIDANUR TOWN,
CHIKKABALLAPUR DISTRICT -561208.

8. SMT. PADMA,
D/O LATE NARASIMHAPPA,
AGED ABOUT 35 YEARS,
R/AT OPP. TO SUGAR FACTORY,
GOWRIBIDANUR TOWN,
CHIKKABALLAPUR DISTRICT -561208.

9. SMT. VIJAYALAKSHMAMMA
D/O LATE NARASIMHAPPA,
AGED ABOUT 32 YEARS,
R/AT VEERLAGOLLAHALLI VILLAGE,
KASABA HOBLI, GOWRIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT -561208.

10. SMT. PARVATHAMMA,
W/O VISHWANATHA,
AGED ABOUT 50 YEARS,
R/AT FORM HOUSE, VEDALAVENI,
G. BOMMASANDRA ROAD,
GOWRIBIDANUR TALUK,
CHIKKAMANGALURU DISTRICT -561208.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTION TO THE LEARNED PRL. CIVIL JUDGE AND JMFC AT GOWRIBIDANUR TO HEAR ON IA NO. 1 FILED BY THE PLAINTIFF UNDER ORDER XXXIX RULE 1 AND 2 OF CPC (ANNX-D) AND TO DISPOSE THE IA NO.1 WITHIN TIME FRAME OF ONE MONTH. DIRECTION TO THE LEARNED PRL. CIVIL JUDGE AND JMFC AT GOWRIBIDANURIN THE INTEREST OF JUSTICE.

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 seeks a writ of mandamus directing the Trial Court to adjudicate the application filed by the plaintiff under Order XXXIX Rules 1 and 2 of the CPC.

2. Learned counsel appearing for the petitioner submits that the written statement has been filed denying the plaintiff's rights over the suit schedule property.

2.1 It is further submitted that the petitioner is willing to transfer the suit schedule property; however, the pendency of the application is an impediment to such transfer. In the circumstances, it is submitted that the pending application may be considered expeditiously.

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

4. The application has been filed by the plaintiff seeking to restrain the defendants from alienating or creating any third-party interest in the suit schedule property. The said application has remained pending since 2022. The reasons for non-adjudication of the application are not forthcoming.

5. Moreover, this Court is of the view that the petitioner, being a defendant in the suit, lacks the locus to seek a direction for adjudication of an application filed by the plaintiff.

6. In view of the above, this Court finds that the present petition is devoid of merit.

Accordingly, the petition stands ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

DDU/ List No.: 2 Sl No.: 19