HC-KAR

NC: 2026:KHC:64370
WP No. 35239 of 2026

CNR: KAHC010778302026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 35239 OF 2026 (GM-CPC)

BETWEEN:

1. M/S. SNN ARJUN BUILDERS LLP,
A PARTNERSHIP FIRM,
HAVING REGISTERED OFFICE AT
NO. 4, 2ND FLOOR,
ELEPHANT ROCK ROAD,
3RD BLOCK, JAYANAGAR,
BENGALURU 560011
REPRESENTED BY ITS PARTNER
COMPANY REGISTERED U/S 12(1) OF
PARTNERSHIP ACT, 2008.

...PETITIONER

(BY SRI. SAGAR G. NAHAR, ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SRI. NARAYAN M.,
SON OF KOTE MUNIYAPPA,
AGED ABOUT 64 YEARS,
RESIDING AT NO. 233, 27TH MAIN,
4TH CROSS, BTM 1ST STAGE,
BENGALURU - 560 068.

2. SMT. SUBBAMMA
W/O LATE SRI. ERAPPA,
AGED ABOUT 64 YEARS,

RESIDING AT NO. 275/1,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE - 560 076.

3. SRI. E. SUBRAMANI @ MANI
S/O LATE SRI. ERAPPA,
AGED ABOUT 42 YEARS,
BILEKAHALLI, BANNERGHATTA ROAD,
RESIDING AT NO. 275/1,
KOTEMUNIYAPPA BUILDING,
BANGALORE - 560 076.

4. SRI. MURTHY
S/O LATE SRI. ERAPPA,
AGED ABOUT 39 YEARS,
RESIDING AT NO. 275/1,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE - 560 076.

5. SRI. BABU
S/O LATE SRI. ERAPPA,
AGED ABOUT 34 YEARS,
RESIDING AT NO. 275/1,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE 560 076.

6. SRI. YELLAPPA
S/O LATE SRI. MUNIYAPPA ALIAS
LATE KOTE MUNIYAPPA,
AGED ABOUT 69 YEARS,
RESIDING AT NO. 274,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE 560 076.

7. SRI. NAGESH
S/O SRI. YELLAPPA,
AGED ABOUT 46 YEARS,
RESIDING AT NO. 274,
KOTEMUNIYAPPA BUILDING, BILEKAHALLI,
BANNERGHATTA ROAD,
BANGALORE 560 076.

8. SMT. SHOBHA
D/O SRI. YELLAPPA,
AGED ABOUT 39 YEARS,
RESIDING AT NO. 274,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE - 560 076.

9. SMT. GEETHA
D/O SRI. YELLAPPA
AGED ABOUT 36 YEARS,
RESIDING AT NO. 274,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE - 560 076.

10. SMT. YASHODA
D/O SRI. YELLAPPA,
AGED ABOUT 35 YEARS,
RESIDING AT NO. 274,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE 560 076.

11. SRI. KRISHNAPPA. M,
S/O LATE SRI. MUNIYAPPA ALIAS
LATE KOTE MUNIYAPPA,
AGED ABOUT 66 YEARS,
RESIDING AT NO. 275/1,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,

BANGALORE 560 076.

12. SRI. PRASAD
S/O SRI. KRISHNAPPA. M,
AGED ABOUT 39 YEARS,
RESIDING AT NO. 275/1,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE 560 076.

13. SRI. THILAK KUMAR
S/O SRI. KRISHNAPPA. M,
AGED ABOUT 34 YEARS,
RESIDING AT NO. 275/1,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI,
BANNERGHATTA ROAD,
BANGALORE 560 076.

14. SMT. SHASHIKALA
D/O SRI. KRISHNAPPA. M,
AGED ABOUT 36 YEARS,
RESIDING AT NO. 275/1,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE 560 076.

15. SMT. JAYAMMA
D/O LATE SRI. MUNIYAPPA ALIAS
LATE KOTE MUNIYAPPA,
W/O SRI. RAMAPPA,
AGED ABOUT 66 YEARS,
RESIDING AT YELENAHALLI VILLAGE,
BEGUR HOBLI,
BANGALORE SOUTH TALUK - 560 068.

16. MISS. NETHRAVATHI N.,
D/O SRI. M. NARAYANA,
AGED ABOUT 38 YEARS,

RESIDING AT NO. 233, 4TH CROSS,
27TH MAIN, BTM 1ST STAGE,
BANGALORE 560 068.

17. SRI. MANJUNATH N.,
S/O SRI. M. NARAYANA,
AGED ABOUT 34 YEARS,
RESIDING AT NO. 233, 4TH CROSS,
27TH MAIN, BTM 1ST STAGE,
BANGALORE 560 068.

18. MISS. PAVITHRA N.,
D/O SRI. M. NARAYANA,
AGED ABOUT 30 YEARS,
RESIDING AT NO. 233, 4TH CROSS,
27TH MAIN, BTM 1ST STAGE,
BANGALORE 560 068.

19. SMT. SAVITHRAMMA
D/O LATE SRI. MUNIYAPPA ALIAS
LATE KOTE MUNIYAPPA,
W/O SRI. NARAYANASWAMY,
AGED ABOUT 52 YEARS,
RESIDING AT JUNNASANDRA VILLAGE,
RAINBOW GARDEN,
SARJAPURA ROAD,
BANGALORE 562 125.

20. SMT. VANAJAKSHI
W/O LATE SRI. VENKATESH,
AGED ABOUT 46 YEARS,
RESIDING AT NO. 275/1,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE 560 076.

21. MR. DEEPAK
S/O LATE SRI. VENKATESH,
AGED ABOUT 26 YEARS,

RESIDING AT NO. 275/1,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE 560 076.

22. MR. DILIP
S/O LATE SRI. VENKATESH,
AGED ABOUT 24 YEARS,
RESIDING AT NO. 275/1,
KOTEMUNIYAPPA BUILDING,
BILEKAHALLI, BANNERGHATTA ROAD,
BANGALORE 560 076.

…RESPONDENTS

(SMT. N. NETHRAVATHI, ADVOCATE FOR
SRI. SOMASHEKAR S.M., ADVOCATE FOR C/R1)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE X ADDL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-26) TO DISPOSE THE IA NO. 1 FILED UNDER SECTION 9 OF THE ARBITRATION AND CONCILIATION ACT, 1996 R/W ORDER 39 RULES 1 AND 2 CPC IN AA NO. 58/2026 VIDE ANNX-C, WITHIN A PERIOD OF 7 DAYS FROM THE DATE OF RECEIPT OF A COPY OF THE ORDER OF THIS HONBLE COURT.

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 relief of directing the Trial Court to consider I.A. No.1, filed under Order XXXIX Rules 1 and 2 of the CPC, read with Section 9 of the Arbitration and Conciliation Act, 1996, in A.A. No.58/2026, expeditiously.

2. Learned counsel appearing for the petitioner submits that the Trial Court heard I.A. Nos.1 and 2 on 26.09.2026. Thereafter, when the matter was posted for orders on 01.10.2026, respondent No.1 appeared and sought time to file objections to I.A. Nos.1 and 2. Accordingly, the matter was adjourned to afford an opportunity to respondent No.1.

2.1 It is further submitted that, despite repeated requests for consideration of I.A. Nos.1 and 2, the Trial Court has, on several occasions, adjourned the matter without passing any orders on the said applications, notwithstanding the continued interference by the defendants during their pendency.

3. Learned counsel appearing for respondent No.1 on caveat seeks time to file objections. Having regard to the limited nature of the prayer sought in the present petition, this Court is of the view that filing of objections is unnecessary.

4. Considered the submissions made by learned counsel for the parties and perused the material on record.

5. The application in I.A. No.1 is filed under Section 9 of the Arbitration and Conciliation Act, 1996, read with Order XXXIX Rules 1 and 2 of the CPC. The said application was heard by the Trial Court on 26.09.2026, and the matter was posted for orders on 01.10.2026. It appears that, on 01.10.2026, respondent No.1 appeared before the Trial Court and sought time to file objections. Thereafter, the matter was listed on 03.10.2026, 06.10.2026, 12.10.2026, 28.10.2026, 31.10.2026 and 06.11.2026, and has now been adjourned to 10.12.2026 for consideration of I.A. Nos.1 to 3.

6. The reasons assigned for the non-consideration of the applications are not justifiable. Merely because the Trial Court is occupied with the consideration of other matters cannot be a

ground to defer consideration of the applications, particularly when arguments had already been heard and the matter was posted for orders. The relief sought in the applications cannot be delayed under the guise of affording an opportunity to the respondents, as such delay may result in irreparable hardship and prejudice to the petitioner.

7. If applications seeking interim relief are not considered in a timely manner, the very purpose of filing such applications, as well as the object of conferring jurisdiction upon the Court to grant interim relief, would stand defeated.

8. In the absence of any justifiable reason for the delayed consideration of I.A. Nos.1 and 2, this Court is inclined to direct their time-bound disposal.

9. Accordingly, the following:

O R D E R

I. The writ petition is ***allowed in part***.

II. The Trial Court is directed to consider and dispose of I.A. Nos.1 and 2 within an outer limit of two weeks from today.

III. Learned counsel for the petitioner is directed to furnish a copy of this order to the Trial Court for compliance and, if necessary, seek advancement of the matter.

IV. The respondents are at liberty to file their objections to the said applications before the Trial Court within the time stipulated by this Court.

SD/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 2 Sl No.: 13