IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE S.G.PANDIT

WRIT PETITION NO. 17931 OF 2023 (GM-CPC)

BETWEEN:

1. SMT. BHAGYAMMA,
   W/O LATE JAVARE GOWDA,
   AGED ABOUT 61 YEARS,
   R/AT KALLENAHALLI GRAMA,
   MELUKOTTE HOBLI,
   PANDAVAPURA TALUK,
   MANDYA DISTRICT-571434

...PETITIONER

(BY SRI.CHANDRASHEKARA REDDY R.A., ADVOCATE)

AND:

1. SRI VIJAY KUMAR.K.J
   AGED ABOUT 39 YEARS,
   S/O K.G.JAVARE GOWDA,

2. SMT ABHILASH.K.N
   AGED ABOUT 31 YEARS,
   W/O VIJAY KUMAR K.G,

3. SRI KIRAN.K.N
   AGED ABOUT 33 YEARS,
   S/O NINGE GOWDA,

   RESPONDENT Nos.1 TO 3 ARE R/AT
   KALLENAHALLI GRAMA,
   MELUKOTTE HOBLI,
   PANDAVAPURA TALUK,
   MANDYA DISTRICT-571434

4. SRI MANJUNATH.L.B
   AGED ABOUT 31 YEARS,

Digitally signed by NANDINI B G
Location: HIGH COURT OF KARNATAKA

S/O PUTTASWAMY GOWDA,
R/AT NO NALLAHALLI GRAMA,
MELUKOTTE HOBLI,
PANDAVAPURA TALUK,
MANDYA DISTRICT-571434

…RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS DATED 05/09/2022 PASSED IN O.S.NO.299/2022 BY THE CIVIL JUDGE JMFC PANDAVAPURA VIDE ANNEXURE-A AND DIRECT THE TRIAL COURT TO CONSIDER THE IA.NO.1 ON THE BASIS OF THE SUIT FILED BEFORE IT IN O.S.NO.299/2022 TO BE IN TIME, GRANT INTERIM ORDERS PENDING CONSIDERATION OF THE IA BY THE TRIAL COURT AND FOR ANY OTHER APPROPRIATE WRIT, DIRECTION AND ORDERS.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner/plaintiff in O.S.No.299/2022 on the file of the Additional Civil Judge and JMFC., Pandavapura (for short, 'Trial Court') is before this Court questioning the order dated 05.09.2022 whereby the Trial Court ordered emergent notice on I.A.No.1 and suit summons to the defendants.

2. Heard the learned counsel Sri.Chandrashekara Reddy for petitioner/plaintiff and perused the writ petition papers.

3. It is the grievance of the petitioner/plaintiff that though the defendants appeared and filed objections to I.A.Nos.1 and 3, the Trial Court has failed to pass orders on I.As. It is submitted that respondents/defendants are trying to alienate suit schedule property and therefore he submits that consideration of I.As filed in the suit would be necessary.

4. The order sheet of the suit in O.S.No.299/2022 is placed on record as Annexure-A. A perusal of the same would indicate that after filing of objections to the I.As by respondents/defendants, the Trial Judge heard the learned counsel for the petitioner/plaintiff on I.A.Nos.1 and 3 on 03.07.2023 and posted the suit for hearing defendants' side by 15.07.2023 and thereafter the same was adjourned to 31.07.2023 and from 31.07.2023 to 23.08.2023. Since learned counsel for petitioner/plaintiff submits that there is threat of alienation of suit schedule property by the defendants, it would be necessary to hear the pending applications by the Trial Court. The suit is

adjourned to 23.08.2023 to hear on I.A.Nos.1 and 3 by the defendants' side. Hence, I pass the following:

ORDER

The Trial Court is directed to complete the hearing on I.A.Nos.1 and 3 and pass appropriate order expeditiously, not later than two weeks from 23.08.2023.

With the above, writ petition stands disposed of.

Sd/-
JUDGE

NC
List No.: 1 Sl No.: 32