HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.2963 OF 2023 (GM-CPC)

BETWEEN:

SRI B.C.MAHADEVA,
S/O B S CHIKKAIAH,
AGED ABOUT 55 YEARS,
R/A BYADARAHALLI VILLAGE,
HEBBALU HOBLI,
K R NAGARA TALUK,
MYSURU DISTRICT-571 602.

...PETITIONER

(BY SRI SUBHASH CHANDRA BOSE, ADVOCATE)

AND:

SRI RAMEGOWDA,
S/O LATE BILLIGOWDA,
AGED ABOUT 66 YEARS,
R/A BYADARAHALLI VILLAGE,
HEBBALU HOBLI,
K R NAGARA TALUK
MYSURU DISTRICT-571 602.

...RESPONDENT

(BY SRI B S NAGARAJ, ADVOCATE)

Digitally signed by PAVITHRA B
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLE 227 OF CONSTITUTION OF INDIA PRAYING TO-QUASH THE ORDER PASSED IN M.A.NO.4/2021 BY THE COURT OF SENIOR CIVIL JUDGE AND JMFC AT KRISHNARAJANAGARA, MYSURU DATED 14/11/2022, AND WHICH IS PRODUCED AS ANNEXURE-F, CONSEQUENTLY, QUASH THE ORDER PASSED IN I.A.NO.1 IN O.S.NO.60/2021, DATED 30/08/2021 VIDE ANNEXURE-C BY ALLOWING THIS WP ETC.,

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioner seeks for the following reliefs:

> *"c) Issue a writ in the nature of certiorari or any other writ or direction by quashing the order passed in M.A.No.4/2021 by the court of Senior Civil Judge and JMFC at Krishnarajanagara, Mysuru, dated 14.11.2022, and which is produced as Annexure-F, Consequently, quash the order passed in I.A.No.1 in O.S.No.60/2021, dated 30.08.2021 i.e. Annexure-C by allowing this writ petition.*
>
> *d) For Costs, such other relief/s as this Hon'ble Court deems fit in the nature and circumstances of the given case."*

2. Heard the learned counsel for both the parties.

3. Though, several contentions have been urged by both sides, in support of their respective claims, having regard to the fact that the rival contentions would necessarily have to be considered by the trial Court only after a full-fledged trial, without expressing any opinion on the merit/demerits of the rival contentions, I deem it just and appropriate to dispose of this petition directing the trial Court to dispose of the suit as expeditiously as possible and in accordance with law without being influenced by the findings and observations recorded in the order of the trial Court or the impugned order passed by the trial Court.

4. All rival contentions and all aspects of the matter are kept open and no opinion is expressed on the merits/demerits of the rival contentions.

5. Subject to the aforesaid directions, petition stands disposed of.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

PB
List No.: 1 Sl No.: 8