

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>st</sup> DAY OF OCTOBER, 2015

BEFORE

**THE HON'BLE MR.JUSTICE ARAVIND KUMAR**

**W.P.Nos .37398/2015 & 37575/2015 (GM-CPC)**

**BETWEEN:**

1. SMT. ANITHA W.T.  
W/O S. SRINIVAS RAO,  
AGED ABOUT 41 YEARS  
REPRESENTED BY GPA HOLDER  
SRINIVAS RAO
2. SRINIVAS RAO  
S/O LATE SRI B. SHANKAR RAO  
AGED ABOUT 50 YEARS  
PETITIONERS 1 AND 2 ARE  
R/AT NO. 12, 4<sup>TH</sup> MAIN,  
6<sup>TH</sup> CROSS, ATHMANNADA COLONY  
R.T. NAGAR,  
BANGALORE-560 032.

... PETITIONERS

(BY SRI. NARENDRA BABU B.K., ADVOCATE)

**AND:**

1. SMT. SALMA SYED YASIN  
W/O LATE SYED YASEEN
2. SARA SYED YASIN  
D/O LATE SYED YASEEN
3. SABIYA YASIN  
D/O LATE SYED YASEEN  
RESPONDENTS 1 TO 3 ARE  
R/AT NO.65, 3<sup>RD</sup> CROSS,  
NEAR FAMILY MART  
BENSON TOWN POST OFFICE

BANGALORE-560 036.

... RESPONDENTS

(R-1 to R-3 SERVED)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE COURT BELOW TO DISPOSE OF O.S.NO.7930/2008 AND MIS. PET.NO.504/2015 PENDING ON THE FILE OF ADDITIONAL CITY CIVIL COURT, BANGALORE WITHIN 30 DAYS.

THESE PETITIONS COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Heard the learned Advocate appearing for petitioners. Respondents are served and unrepresented.

2. Petitioners are seeking for a direction to the trial Court to dispose of suit O.S.No.7930/2008 and Misc.petition No.504/2015 within 30 days.

3. It is the grievance of petitioners that they have to pay interest as per order passed in O.S.No.25215/2008 and on account of delaying tactics adopted by respondents, petitioners are unable to inspect the property along with intending purchasers and without selling the suit property, petitioners are not

in a position to settle the amount as directed in the order passed in O.S.No.21215/2008 and hence, they have filed Misc.Petition No.504/2015 for auction of the property and to deposit the amount in pending suit i.e., in O.S.No.7930/2008 and pray for suitable direction be issued in these writ petitions.

4. There being no resistance to the prayer made by the petitioners and considering the fact that petitioners have been directed to refund the amount of Rs.58 lakhs with future interest at the rate of 10% p.a. from the date of suit till date of payment to respondents herein, it would suffice if a direction is issued to the trial Court to dispose of the suit O.S.No.7930/2008 along with Misc.Petition No.504/2015 within a period of five months from today.

Ordered accordingly.

**Sd/-  
JUDGE**

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