

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF MARCH 2022

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

**WRIT PETITION No.5865 of 2022 (GM-CPC)**

**BETWEEN:**

MR. NANDLAL T. NANDWANI  
SON OF TEEK CHAND NANDWANI  
AGED ABOUT 57 YEARS  
R/AT NO.62 LAVELLE ROAD  
5<sup>TH</sup> CROSS ROAD  
BENGALURU-560001  
REP. BY POWER OF ATTORNEY  
SMT. MITHILA BAI  
AGED ABOUT 41 YEARS  
D/O N. INDERCHAND

...PETITIONER

(BY SRI. SARAVANA S, ADVOCATE)

**AND:**

1 . SMT. KOMALA  
WIFE OF CHIKKANNA  
AGED ABOUT 42 YEARS  
R/A NO.24, SRI VIGNESHWARA NILAYA  
3<sup>RD</sup> CROSS, JAYAKUMAR LAYOUT  
BEHIND GOVT. PRIMARY HEALTH CENTER  
KONANAKUNTE, BANGALORE-62.

2 . SMT. MANJULA  
WIFE OF MANTHESHA  
AGED ABOUT 30 YEARS  
R/A NO.299, 6<sup>TH</sup> MAIN  
2<sup>ND</sup> CROSS, ATTUR LAYOUT

YALAHANKA,  
BANGALORE-560106.

- 3 . SUKANYA  
D/O LATE N A MAYANNA  
AGED ABOUT 65 YEARS  
R/AT NO.25, 1<sup>ST</sup> MAIN  
AMBEDKAR LAYOUT  
KAVAL BYRASANDRA  
R T NAGAR POT  
BANGALORE-560032.
- 4 . N M DHANALAKSHMI @ N M PREMA  
W/O CHANDRASHEKAR  
D/O LATE N A MAYANNA  
AGED ABOUT 60 YEARS  
R/AT NO.25, 1<sup>ST</sup> MAIN  
AMBEDKAR LAYOUT  
KAVAL BYRASANDRA, R T NAGAR POST  
BANGALORE-560032.
- 5 . N M JAYASHREE @ N M KAMAKSHI  
WIFE OF JAYARAMAIAH  
D/O LATE N. A. MAYANNA  
AGED ABOUT 55 YEARS  
NO.F-6 III CROSS  
KARNATAKA HOUSING BOARD COLONY  
BAGNALROE-560079.
- 6 . N. M. MEENAKSHI  
WIFE OF N. SOMASHEKAR  
D/O N. A. MAYANNA  
R/AT NO.5 BILIGIRI  
RAMAIAH LAYOUT  
DODDAGUBBI POST  
BYATHI VILLAGE  
BENGALURU-562149.
- 7 . N M LOKAPRAKASH  
S/O LATE N A MAYANA  
AGED ABOUT 52 YEARS

NO.496, 111 APPAYANNA COMPLEX  
T C H COLLEGE ROAD  
NAGAWARA, BANGALORE-45.

- 8 . N M CHANDRASHEKAR  
SON OF LATE MAYANNA  
AGED ABOUT 50 YEARS  
NO.60 SUMUKHA NILAYA  
ISRO LAYOUT, BIKASIPURA  
BANGALORE-61.
- 9 . N VANAIAKSHI  
WIFE OF N A MAYANNA  
AGED ABOUT 60 YEARS  
NO.1915, 31<sup>ST</sup> CROSS  
13<sup>TH</sup> MAIN, BANASHANKARI II STAGE  
BANGALORE-560070.
- 10 . CHETAN PRAKASH  
SON OF N A MAYANNA  
AGED ABOUT 24 YEARS  
NO.1915, 31<sup>ST</sup> CROSS  
13<sup>TH</sup> MAIN, BANASHANKARI II STAGE  
BANGALORE-70.
- 11 . REKHA N M  
WIFE OF KRISHNAPPA  
AGED ABOUT 42 YEARS  
NO.165, ANNAPOORNESHWARI NILAYA  
ST. MICHAEL SCHOOL ROAD  
KANAKAPURA TOWN  
RAMANAGARAM-562159.
- 12 . ANITHA N M  
WIFE OF BASAVARAJU  
AGED ABOUT 36 YEARS  
C.60, OFFICERS QUARTERS  
K G F KOLAR DISTRICT, K G F-563115.
- 13 . RAGHAVENDRA B V  
S/O UMASHANKAR

AGED ABOUT 41 YEARS  
T C H COLLEGE ROAD  
NAGAVARA, BANGALORE-45.

14 . MUNIYAMMAL  
WIFE OF LATE VENU  
AGED ABOUT 59 YEARS  
R/A NO.6/3 MARIYAMMA -1  
KOYAL STREET, JAI BHARATHI NAGAR  
BANGALORE-560033.

....RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE XXIV ADDL. CITY CIVIL AND SESSION JUDGE (COURT HALL 6) FOR EARLY DISPOSAL OF THE O.S.NO.3711/2012 IN TERMS OF THE DIRECTION ISSUED IN R.F.A NO. 684/2013 AS PER ANNEX-B, WITHIN A MAXIMUM TIME PERIOD OF 3 MONTHS, TO MEET THE ENDS OF JUSTICE.

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

### **ORDER**

This writ petition is filed by the petitioner/defendant No.13 in O.S.No.3711/2012 on the file of the XXIV Additional City Civil and Sessions Judge, Bengaluru (for short, hereinafter referred to as 'trial Court') seeking consideration of the application in I.A-16 filed under Order XXXIX Rule 1 and 2 read with Section 151 of C.P.C., to modify the interim order dated 02.03.2018.

2. I have heard Sri. Saravana S., learned counsel appearing for the petitioner/defendant No.13.

3. Sri. Sarvana S., learned counsel appearing for the defendant No.13, drew the attention of the Court to the judgment and decree passed by this Court in R.F.A.No.684/2013 (PAR) dated 25.06.2015 (Annexure-B), and also the order on the application dated 02.03.2018 by the trial Court (Annexure-C) and sought for modification of the interim order dated 02.03.2018, by restricting the injunction order to the extent of his share as claimed by the defendant No.10. In this regard, he submitted that the defendant No.13 has filed an application as per Annexure-D and same has to be considered.

4. Having taken note of the grounds and the urgency pleaded by the petitioner/defendant No.13. I am of the view that, if the trial Court be requested to consider Annexure-D i.e., Application I.A-16 filed by the defendant No.13, at the earliest and dispose of the

same within a period of three months from the date of receipt of copy of this order., the same shall meet the ends of justice. Accordingly, writ petition is ***disposed of.***

**Sd/-  
JUDGE**

GRD/PK