

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29<sup>TH</sup> DAY OF DECEMBER, 2022

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

**WRIT PETITION NO.26065 OF 2022 (GM-CPC)**

BETWEEN:

M/S AMT VENTURE TOWNSHIP LLP,  
REGISTERED OFFICE AT DOOR NO.40/1A,  
6TH FLOOR, BASAPPA COMPLEX,  
LAVELLE ROAD,  
BENGALURU - 560 001  
(REPRESENTED HEREIN BY ITS  
PARTNER-SRI A.CHANDRASHEKAR)

...PETITIONER

(BY SRI.UMESH M.N., AND  
SRI.A.M.VIJAY, ADVOCATES)

AND:

1. SRI.G.PURUSHOTHAM NAIDU,  
S/O G.MUNIRATHNAM NAIDU,  
AGED ABOUT 60 YEARS,  
NO.A-24, LEGACY ARISTONE  
APARTMENTS, 5TH MAIN,  
MAHALAKSHMI LAYOUT,  
ANANTHAPURA,  
BENGALURU NORTH TALUK.
2. SRI.MUNISHAMAPPA,  
S/O LATE PILLAPPA,  
AGED ABOUT 72 YEARS;
3. SMT.SAROJAMMA,  
D/O MUNISHAMAPPA,

AGED ABOUT 37 YEARS;

4. SMT.PAVITHRA,  
D/O MUNISHAMAPPA,  
AGED ABOUT 35 YEARS;
5. SMT.APARNA,  
D/O MUNISHAMAPPA,  
AGED ABOUT 28 YEARS;
6. SRI.VENKATARAYAPPA,  
S/O LATE PILLAPPA,  
AGED ABOUT 70 YEARS;
7. SMT.MAMATHA,  
D/O VENKATARAYAPPA,  
AGED ABOUT 36 YEARS;
8. SMT.SAVITHA,  
D/O VENKATARAYAPPA,  
AGED ABOUT 33 YEARS;
9. KUM.THANUJA,  
D/O VENKATARAYAPPA,  
AGED ABOUT 29 YEARS;
10. SRI.MUNIYAPPA,  
S/O LATE PILLAPPA,  
AGED ABOUT 68 YEARS;
11. SMT.NARAYANAMMA,  
D/O LATE PILLAPPA,  
AGED ABOUT 62 YEARS;

RESPONDENTS 2 TO 10 ARE  
R/OF DODDASAGARAHALLI VILLAGE,  
VIJAYAPURA HOBLI,  
DEVANAHALLI TALUK  
BENGALURU RURAL DISTRICT.

12. SRI.NARAYANAPPA,  
S/O LATE KURESHAMMA @ MALLAMMA,  
AGED ABOUT 60 YEARS,  
RESIDENT OF CHANNARAYAPATNA,  
DEVANAHALLI TALUK,  
BENGALURU RURAL DISTRICT
13. SMT.BACHAMMA,  
D/O KURESHAMMA @ MALLAMMA,  
AGED ABOUT 58 YEARS,  
R/OF DODDASAGARAHALLI VILLAGE,  
VIJAYAPURA HOBLI,  
DEVANAHALLI TALUK
14. SMT.HANUMAKKA,  
D/O KURESHAMMA @ MALLAMMA,  
AGED ABOUT 56 YEARS,  
R/OF RAMAGONDANAHALLI VILLAGE,  
DEVANAHALLI TALUK,  
BENGALURU RURAL DISTRICT.
15. SRI.A.CHANDRA SHEKAR,  
S/O LATE ASHWATHANARAYANA,  
AGED ABOUT 58 YEARS,  
R/OF ANNESHWARA VILLAGE,  
DEVAHALLI TALUK,  
BENGALURU RURAL DISTRICT.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 17.12.2022 PASSED BY THE LEARNED PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, DEVANAHALLI, BENGALURU RURAL DISTRICT ON IA NOS.3 AND 4 IN O.S.NO.1142/2022 VIDE ANNEXURE-A AND ETC.

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

**ORDER**

Office objection regarding maintainability of writ  
petition is upheld.

2. The captioned writ petition is filed by the  
petitioner assailing the order of the trial Court passed  
on an application filed under Order XXXIX Rule 1 and  
2 of CPC. By allowing the application, trial Court has  
granted injunction which is an appealable order under  
Order XLIII of CPC. Therefore, writ petition is not  
maintainable.

Accordingly, writ petition is dismissed.

However, liberty is reserved to the petitioner to  
move appropriate application before the trial Court  
and seek appropriate order. Liberty is also reserved to  
seek advancement. If, such an application is filed, trial

Court shall expedite the matter and decide the application after notifying both the counsel.

**Sd/-  
JUDGE**

GPG