

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 7TH DAY OF DECEMBER 2012

BEFORE

THE HON'BLE MR.JUSTICE H.BILLAPPA

W.P.No.46522/2012 GM-CPC)

BETWEEN:

Sri.K.Kenchappa,
S/o Late Kriyappa,
Aged about 78 years,
R/at Hargadde village,
Jigani Hobli, Anekal Taluk,
Bangalore-560105.

..Petitioner

(By Sri.D.R.P.Babu, Adv.)

AND:

1. M.Narasimhaiah,
Since dead by LRs.,
- 1(a) Sri.Marappa,
S/o Late Narasimhaiah,
Aged about 52 years,
- 1(b) Sri.Ramakrishna,
S/o Late Narasimhaiah,
Aged about 49 years,
- 1(c) Sri.Somashekar,
S/o Late Narasimhaiah,
Aged about 43 years,

1(a) to (c) are R/at Haragadde village,
Jigani Hobli, Anekal Taluk,

Bangalore Urban District,
Bangalore-560105.

- 1(d) Smt.Gowramma,
D/o Late Narasimhaiah,
Aged about 40 years,
R/at Begahalli village,
Jigani Hobli and Post,
Anekal Taluk,
Bangalore Urban District-560105.
- 1(e) Smt.Lakshmamma,
D/o Late Narasimhaiah,
Aged about 36 years,
R/at No.814,
Dr.O.Shrinivasaiah Block,
4th Main Road, BEML II stage,
Rajarajeswari Nagar,
Bangalore-560098.
2. Smt.Saroja,
D/o late Ramaiah,
Major in age
R/at No.160, 4th Cross,
6th Block, Buvaneshwara Nagar,
Bangalore-85.
3. Smt.Lakshmamma,
W/o Late Ramaiah,
Major in age
R/at Aragadde village,
Jigani Hobli, Anekal Taluk,
Bangalore urban District,
Bangalore-560103.
4. Sri.Kariyappa,
S/o Late Ramakrishnappa,
Since dead by LRs
- 4(a) Smt.Nagamma,

D/o Late Kariappa,
Aged about 51 years,

4(b) Smt.Sowmya,
D/o Late Kariyappa,
Aged about 25 years,
W/o Jagadish,

4(a) and (b) are residing at
No.81, Ejinapura,
Krishnarajapura Hobli,
Bangalore East Taluk,
Bangalore-16.

..Respondents

This WP is filed under Articles 226 & 227 of Constitution of India, praying to quash the order dated 18.10.12 passed by the Prl. Dist & Sessions Judge, Bangalore Rural District in Mis. No.157/12 vide Ann-A and further be pleased to transfer the appeal in RA 355/12 on the Prl. Dist & Sessions Judge at Anekal FTC VI , BRD, Bangalore to any other court having jurisdiction over the matter by allowing the above writ petition.

This W.P coming on for Orders this day, the Court made the following:-

ORDER

Heard the learned counsel for the petitioner.

2. In this writ petition under Articles 226 & 227 of the Constitution of India, the petitioner has called in question, the order passed by the Principal District and

Sessions Judge, Bangalore Rural District, Bangalore, in Misc.No.157/2012.

3. The petitioner filed Misc. Petition No.157/2012 to transfer R.A.No.355/2012 which is pending on the file of the Fast Track Court-VI at Anekal to any other Court. The Principal District and Sessions Judge, Bangalore Rural District, Bangalore, has dismissed the petition on the ground that the grounds urged are not sufficient to transfer the case. However, it is observed that the Fast Track Court-VI must raise to the occasion and consider the applications.

4. The grievance of the petitioner is that the petitioner has filed an appeal in R.A.No.355/2012 challenging the judgment and decree passed in O.S.No.487/2006. In the said appeal, the petitioner has filed applications for stay and temporary injunction. As the Fast Track Court-VI not functioning, no order has been passed. The request of the petitioner for transfer of the case also has been rejected. Therefore, in the circumstances, it is appropriate to direct the

in-charge court to consider the applications of the petitioner in R.A.No.355/2012.

5. Accordingly, directing the incharge court to consider the applications of the petitioner in R.A.No.355/2012, the writ petition is disposed of.

Sd/-
JUDGE

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