



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF MARCH, 2023

BEFORE

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

WRIT PETITION NO. 4623 OF 2022 (GM-CPC)

BETWEEN:

1. SRI K SRINATH HEBBAR
S/O LATE K SRINIVAS HEBBAR
AGED ABOUT 56 YEARS
R/AT SUNANDHA
MERCARA HILL ROAD
BENDORE
MANGALURU-575002.

...PETITIONER

(BY SRI. HAREESH BHANDARY T, ADVOCATE)

AND:

1. SRI N MAHALINGESWARA BHAT
AGED ABOUT 72 YEARS
S/O N KRISHNA BHAT
R/AT 'KRISHNA' JAIN COMPOUND
KAPRIGUDDA FALNIR POST
MANGALURU-575001.
2. MR N SHANKARANARAYANA BHAT
AGED ABOUT 65 YEARS
S/O N KRISHNA BHAT
ABIKATTA HOUSE
ENMAKAJE VILLAGE
PERLA POST-671552
KASARAGOD DISTRICT.





3. MRS SHARADA
AGED ABOUT 70 YEARS
D/O N KRISHNA BHAT
W/O B N SUBRAMANYA BHAT
BUNDADKA VILLAGE
MANIMOLE -671554
KASARAGOD DISTRICT.
 4. MRS HEMAVATHI
AGED ABOUT 69 YEARS
D/O N KRISHNA BHAT
W/O VISHWANATHA BHAT
PRAKASH NILAYA
PERMUDE-671321
KASARAGOD DISTRICT.
 5. MRS RUKMINI
AGED ABOUT 67 YEARS
D/O N KRISHNA BHAT
W/O P SUBRAMANYA BHAT
ALLODI 671321
BELA VILLAGE
KASARAGOD DISTRICT
 6. MRS N MEENAKSHI
AGED ABOUT 62 YEARS
D/O N KRISHNA BHAT
W/O VENKAPPA BHAT
NELLITHADI HOUSE
KUMBDAJE POST 671551
KASARAGOD DISTRICT.
- NO.1 TO 6 ARE REPRESENTED
BY THEIR GPA HOLDER
MR ABHISHEKA N
S/O MAHALINGESHWARA BHAT
AGED ABOUT 38 YEARS



FALNIR POST
MANGALURU-575001.

7. SMT B SHARADHA RAO
AGED ABOUT 80 YEARS
W/O B RAMANANDA RAO
R/O KADRI MALLIKATTA
KANKANADY POST
MANGALURU-575002.
8. SMT B PRASANNA
AGED ABOUT 59 YEARS
D/O B RAMANANDA RAO
R/O KADRI MALLIKATTA
KANKANADY POST
MANGALURU-575002.
9. SMT B SHASHI PRABHA
AGED ABOUT 57 YEARS
D/O B RAMANANDA RAO
R/O KADRI MALLIKATTA
KANKANADY POST
MANGALURU-575002.
10. SMT B SAUKHAVANI
AGED ABOUT 55 YEARS
D/O B RAMANANDA RAO
R/O KADRI MALLIKATTA
KANKANADY POST
MANGALURU-575002.
11. SRI GANESH RAO
AGED ABOUT 53 YEARS
S/O B RAMANANDA RAO
R/O KADRI MALLIKATTA
KANKANADY POST
MANGALURU-575002.



12. SRI B BHASKAR RAO
AGED ABOUT 51 YEARS
S/O B RAMANANDA RAO
R/O KADRI MALLIKATTA
KANKANADY POST
MANGALURU-575002.
13. SRI B RAJANEESH RAO
AGED ABOUT 49 YEARS
S/O B RAMANANDA RAO
R/O KADRI MALLIKATTA
KANKANADY POST
MANGALURU-575002.
14. SRI B BABU RAO
AGED ABOUT 47 YEARS
S/O B RAMANANDA RAO
R/O KADRI MALLIKATTA
KANKANADY POST
MANGALURU-575002.
15. SMT B MAMATHA
AGED ABOUT 45 YEARS
D/O B RAMANANDA RAO
R/O KADRI MALLIKATTA
KANKANADY POST
MANGALURU-575002.
16. SRI B PRASHANTHA RAO
AGED ABOUT 41 YEARS
S/O B RAMANANDA RAO
R/O KADRI MALLIKATTA
KANKANADY POST
MANGALURU-575002.
17. SRI B SRIKANTHA RAO
AGED ABOUT 39 YEARS



S/O B RAMANANDA RAO
R/O KADRI MALLIKATTA
KANKANADY POST
MANGALURU-575002.

18. SRI BHAVANI SHANKAR RAO
SINCE DECEASED BY HIS
LEGAL REPRESENTATIVES

A) B SHARATH KUMAR
AGED ABOUT 64 YEARS
S/O LATE BHAVANI SHANKAR RAO
R/AT NO.491, GURUDEEPA
8TH CROSS RASHI RESIDENCY
2ND STAGE, KADABAGERE POST
OFF MAGADI ROAD
BENGALURU-562130.

19. SMT RENUKA
AGED ABOUT 62 YEARS
D/O LATE BHAVANI SHANKAR RAO
W/O SRI Y S SURENDRA
R/AT NO.2662
ASHRAYA 12TH MAIN
E BLOCK II STAGE RAJAJINAGAR
BENGALURU-560010.

20. SRI NATESH RAO
AGED ABOUT 87 YEARS
S/O LATE B BABU RAO
R/AT PLOT NO.107
3RD MAIN 4TH CROSS
PRAKASH NAGAR
BENGALURU-560021.

21. SRI SHIVASWAMY RAO
AGED ABOUT 77 YEARS



S/O LATE BABU RAO
R/AT NO.64 AG'S OFFICE
CO-OP. HOUSING SOCIETY LAYOUT
WEST OF NEW B E L ROAD
BENGALURU-560054.

22. SRI T N RAJA
AGED ABOUT 65 YEARS
S/O T M NARASIMHA
R/AT NO.B-405 ANRALA-18
BANNERGHATTA ROAD
BENGALURU-567076.

...RESPONDENTS

(BY SRI. G. RAVISHANKAR SHASTRY, ADVOCATE
FOR R1 TO R6;
SRI B. SHARATH KUMAR, ADVOCATE FOR R18(A);
SRI VENKATASWAMY M, ADVOCATE FOR R21 &
SRI M.H.VENKATARAMANA, ADVOCATE FOR R22)

THIS WP IS FILED UNDER ARTICLE 227 OF
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER ON
IA.NO.VII ANNEXURE-A DATED 07.01.2022 MADE IN
O.S.NO.129/2015 BY THE I ADDITIONAL SENIOR CIVIL JUDGE
AND CJM, MANGALURU, GRANT AN INTERIM ORDER TO STAY
ALL FURTHER PROCEEDINGS IN O.S.NO.129/2015 ON THE FILE
OF I ADDITIONAL SENIOR CIVIL JUDGE AND CJM,
MANGALURU.

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



ORDER

The petitioner ought to have filed a revision petition under Section 115 of CPC instead of writ petition, because, if an application under Order VII Rule 11 CPC is rejected by the trial court, it is a revisable order. In case the revision petition is allowed, it results in termination of the proceedings before the trial court. In this view Civil Revision Petition is maintainable.

Now the learned counsel for the petitioner seeks permission to covert this writ petition in to Civil Revision Petition under Section 115 of CPC.

Registry is hereby directed to convert this writ petition into Civil Revision Petition.

This writ petition stands disposed of for statistical purpose.

**SD/-
JUDGE**

KMV
List No.: 1 Sl No.: 4