

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU****DATED THIS THE 23<sup>RD</sup> DAY OF APRIL, 2024****BEFORE****THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR****WRIT PETITION NO. 10740 OF 2023 (GM-CPC)****BETWEEN:**

SRI K L SRIDHAR REDDY  
S/O SRI K RAMACHANDRA REDDY  
AGED ABOUT 53 YEARS,  
R/AT VILLA NO.78,  
INDU FORTUNE FIELDS  
KUKATPALLY PHASE-13  
HYDERABAD-72  
TELANGANA STATE

...PETITIONER

(BY SRI. HARISH H V.,ADVOCATE)

**AND:**

1. SMT PREMA  
W/O SRI LOKESH REDDY  
AGED ABOUT 69 YEARS
2. SMT VIJAYALAKSHMI  
W/O SRI LOKESH REDDY  
AGED ABOUT 67 YEARS

BOTH ARE R/AT NO.89/3,  
SRI RAJESHWARI NILAYA  
KAGADASAPURA,  
C V RAMAN NAGAR POST  
BENGALURU-560 093.

...RESPONDENTS

(BY SRI.H.R.ANANTHA KRISHNAMURHTY,ADVOCATE)

THIS W.P IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO-SET ASIDE THE ORDER DTD 01/03/2023 PASSED BY THE II ADDL SENIOR CIVIL JUDGE AND JMFC AT ANEKAL, IN O.S.NO. 853/2018 VIDE ANNEXURE-A ON THE FACTS AND CIRCUMSTANCE OF THE CASE.

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





## **ORDER**

This petition by the plaintiff in O.S.No.853/2018 on the file of the II Addl. Senior Civil Judge & JMFC, Anekal is directed against the impugned order dated 01.03.2023 whereby the Memos dated 19.07.2021 and 10.08.2022 filed by the respondents – defendants for a direction to the petitioner to deposit Rs.6 Crores before the Court in terms of memorandum of understanding dated 25.07.2016 was allowed by the Trial Court.

2. Learned counsel for the respondents has filed a memo dated 16.01.2024 which reads as under:

*“The petitioner has called question the order passed on 01.03.2023, directing the respondents to deposit Rs.6.00 Crores on or before the next date of hearing. The respondent submit that as the order interlocutory application passed on a memo filed by the respondents, the respondents state without prejudice that the order sought to be challenged may be set aside. The respondents/plaintiffs be permitted/ reserve liberty to question the readiness and willingness of the plaintiffs to fulfill the obligations under the Memorandum of Understanding. This memo is filed without prejudice to the right of the defendants and reserving liberty to raise all contentions urged in the written statement during the course of the written statement.”*



3. Learned counsel for the petitioner on instructions submits that the entire amount of Rs.6 Crores is available with the petitioner from the date of MoU till today, petitioner is not willing to deposit the said amount before the Trial Court since the said issue would necessarily be decided by the Trial Court after a full-fledged trial.

4. Per contra learned counsel for the respondents would re-iterate the various contentions urged in the memo dated 16.01.2024 and submits that the impugned order may be set aside and all rival contentions including the contention regarding the readiness / willingness kept open to be decided by the Trial Court along with other issues in the suit.

5. In view of the aforesaid facts and circumstances and the contents of memo dated 16.01.2024 as well as the submissions made by both sides, without expressing any opinion on the merits/demerits of the rival contentions including the contention regarding the readiness/willingness on the part of the petitioner – plaintiff to perform his part of the contract, I deem it just and appropriate to set aside the impugned order and dispose of the memos dated 19.07.2021 and 10.08.2022 filed by the respondents – defendants by leaving open all contentions including the



contention regarding readiness/willingness on the part of the petitioner – plaintiff to be decided by the Trial Court at the time of final disposal of the suit.

6. The Trial Court is directed to dispose of the suit as expeditiously as possible in accordance with law.

7. All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the same.

**Sd/-  
JUDGE**

DHA  
List No.: 1 Sl No.: 2