



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU  
DATED THIS THE 30<sup>TH</sup> DAY OF JANUARY, 2023  
BEFORE  
THE HON'BLE MR JUSTICE M.NAGAPRASANNA  
WRIT PETITION NO. 26103 OF 2022 (GM-RES)**

**BETWEEN:**

1. M/S J.V. WODEYAR INFRASTRUCTURES,  
NO.93, SAI. ARCADE,  
22ND MAIN ROAD, BSK 2ND STAGE,  
BANGALORE -560 070,  
REPRESENTED BY ITS PARTNER,  
SRI. J.LOKANATH BABU NAIDU,  
S/O LATE J. VENKATASWAMY NAIDU,  
THE PETITIONER IS A PARTNERSHIP FIRM,  
REGISTERED UNDER  
THE PARTNERSHIP ACT 1932.

...PETITIONER

(BY SRI. A.MAHESH CHOWDHARY, ADVOCATE)

**AND:**

1. M/S B.A.R C/RMP EMPLOYEES  
HOUSE BUILDING CO-OPERATIVE  
SOCIETY NIYAMITHA, MYSORE,  
HAVING REGISTERED OFFICE AT  
NO.5, 80FT ROAD, RMP LAYOUT,  
VIJAYNAGAR, 4TH STAGE,  
MYSURU-570 017,  
REPRESENTED BY ITS  
AUTHORISED SIGNATORY AND PRESIDENTS  
SRI. MUKKANA GOUDAR A.V.,  
THE RESPONDENT CO-OPERATIVE





SOCIETY UNDER CO-OPERATIVE  
SOCIETY ACT 1912.

...RESPONDENT

(BY SRI. ROHIT URS D., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 10.11.2022 IN COM A.A.NO.9/2022 BEFORE THE HONBLE II ADDL DISTRICT AND SESSION JUDGE MYSURU VIDE ANNEXURE A AS BEING ARBITRARY ERRONEOUS AND BAD IN THE EYES OF LAW AND CONSEQUENTLY ALLOW APPLICATION VIDE ANNEXURE C AND ETC.,

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

**ORDER**

Heard Sri. A. Mahesh Chowdhary, learned counsel appearing for the petitioner, Sri. Rohit Urs D., learned counsell appearing for the respondent and have perused the material on record.

2. The petitioner is before this Court seeking the following prayer:

*"WHEREFORE, the Petitioner humbly prays that this Hon'ble court may be pleased to:*



- a. *To issue a Writ of Certiorari or any direction to quash the impugned order dated 10.11.2022 in Com A.A No.9/2022 before the Hon'ble II Additional District and Session Judge Mysuru vide **Annexure A** as being arbitrary, erroneous and bad in the eyes of law and Consequently allow application vide Annexure C.*
- b. *Grant such other relief as circumstances and contingencies may permit, in the interest of justice and equity."*

3. An interim order was granted by this Court on 06.01.2023 and interim order reads as follows:

*"List this matter on 10.01.2023.*

*There shall be an interim order of stay, restraining the respondent-society dealing with the Schedule B property in any manner till the final disposal of the instant proceedings, till the next date of hearing."*

4. The interim order was restraining the respondent - Society in dealing with the Schedule B property in any manner till the disposal of the present proceedings.

5. The learned counsel appearing for the petitioner would now contend that the matter is before the Commercial Court on 02.02.2023 and the Commercial Court can as well hear the matter and dispose the Commercial appeal.



6. The learned counsel appearing for the respondent has no objection to the said submission made by the learned counsel appearing for the petitioner.

7. Therefore, on a consensus, I deem it appropriate to close these proceedings by directing the concerned Court to hear the matter on 02.02.2023 and regulate its further procedure towards the disposal of the commercial appeal.

The interim order so granted before this Court on 06.01.2023 shall continue till the disposal of the appeal before the Commercial Court.

Ordered accordingly.

**Sd/-  
JUDGE**

JY