



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF MAY, 2018

PRESENT

HON'BLE MR.JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE

AND

HON'BLE MR.JUSTICE KRISHNA S DIXIT

WRIT APPEAL NO.1066 OF 2018 (GM-CPC)

BETWEEN:

MRS. PRIYA MAHESH
D/O DR. MAHESH KUMAR
W/O. MAHESH S. SHETTY
AGED ABOUT 40 YEARS,
R/AT #13, GOKULAM ROAD,
V.V. MCHALLA,
MYSURU - 570 002.

REPRESENTED BY HER
NATURAL GUARDIAN AND
POWER OF ATTORNEY HOLDER

DR. MAHESH KUMAR R.
SON OF LATE RAGHUVVEER SARAN,
AGED ABOUT 72 YEARS
RESIDING AT 13,
GOKULAM ROAD,
V.V. MOHALLA,
MYSURU - 570 002.

... APPELLANT

(BY SRI T. DADAKHALANDAR, ADVOCATE FOR
SRI RAMACHANDRA N., ADVOCATE)

AND:

1. SRI V. VENKATARAJU
S/O. LATE VENKATARAJ
AGED ABOUT 64 YEARS
NO.1624-A, 12TH CROSS
MARIYAPPANA PALYA
SRIRAMPURAM
BENGALURU - 560 021.
2. SRI JAYAPRAKASH KUMAR
S/O. LATE MALLIKARJUNAPPA
AGED ABOUT 65 YEARS
RESIDING AT NO.20,
MANJUNATHA NILAYA,
1ST CROSS, BASAVESHWARANAGAR
BENGALURU - 560 079.

... RESPONDENTS

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER PASSED IN WRIT PETITION NO.44391/2017 (GM-CPC) DATED 10.01.2018.

THIS APPEAL COMING ON FOR ORDERS THIS DAY, **THE CHIEF JUSTICE**, DELIVERED THE FOLLOWING:

JUDGMENT

The matter is listed with several of the office objections. Apart from the other objections on the frame, the office has pointed out the question on the very maintainability of this intra-Court appeal with reference to the provisions contained in Section 4 of the Karnataka High Court Act, 1961, as also Rule 26 of the Writ Proceedings Rules, 1977.

Perusal of the record makes out that in relation to a civil suit, being O.S.No.1304/2015, in the Court of the Additional Senior Civil Judge, Bengaluru Rural District, the petitioner, said to be the plaintiff, preferred the writ petition bearing No.44391/2017 with the prayer that the directions be issued to the trial Court to dispose of the said suit within the timeframe of eight weeks or at the earliest.

The learned Single Judge has dismissed the writ petition with the observations that it was for the parties to co-operate with the trial Court and it was for the counsel to exhibit institutional responsibility for expeditious proceedings.

The matter relates to the proceedings in a civil suit; and the very maintainability of this intra-Court appeal remains questionable. This apart, we could only express dismay that instead of co-operating with the trial Court concerned, a writ petition was filed seeking directions for disposal of the suit within a timeframe.

The learned Single Judge has rightly observed that it was for the counsel and the parties to co-operate with the Court concerned to ensure expeditious proceedings and there was no reason for the High Court to issue any direction in this matter. Such a petition under Article 227 of the Constitution of India could have only been considered as misconceived, particularly when nothing specific was forthcoming for seeking such generalized directions. The learned Single Judge, in our view, has rightly dismissed the petition.

With the observations foregoing, this intra-Court appeal stands dismissed.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**