



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR JUSTICE R DEVDAS

CIVIL REVISION PETITION NO. 193 OF 2026

BETWEEN:

- 1 . EKTA KUKREJA
D/O LATE NANDAKUMAR BASHOMAL
AGED 48 YEARS
R/A FLAT NO. 21B,
KINGFISHER TOWERS,
KASTURBA ROAD,
BANGALORE 560001
PETITIONER NO.1 IS REP BY HIS
SPA HOLDER DT.3/12/2025 I.E.,
MR. AVNASH AMARLAL
- 2 . ANUSHKA CONSTRUCTIONS PVT. LTD.
BEING A COMPANY REGD. UNDER
THE COMPANIES ACT HAVING ITS
REGD. OFFICE AT NO.100/1,
CITY CENTRE, OPP. TOWN HALL,
J.C.ROAD, BANGALORE 560 002
REP. BY ITS MANAGING DIRECTOR

...PETITIONERS

(BY SRI. G.L.VISHWANATH., SR. ADVOCATE FOR
SRI. SOURABH R. K., ADVOCATE)

AND

- 1 . M/S SRINIVASA TRUST
A TRUST REGISTERED UNDER
THE INDIAN TRUST ACT, 1881
HAVING ITS PRINCIPAL OFFICE AT 7/21,
1ST CROSS, 9TH MAIN, RMV EXTENSION,
BENGALURU 560 080
REP. BY MANAGING TRUSTEE

D.A. SRINIVAS

- 2 . KALPAJADALAVOI
AGED ABOUT 57 YEARS,
TRUSTEE OF M/S SRINIVASA TRUST,
R/A NO. 87, SAI KESHAV,
OPPOSITE SAI GARDENS, SEEGAHALLI,
BENGALURU 560 067.
- 3 . D.A. THEJESHWARI
AGED 57 YEARS
W/O K.M. SRINIVASA MURTHY
TRUSTEE OF M/S SRINIVASA TRUST
R/A NO. 5/25, 10TH MAIN, 13TH CROSS
JAYANAGAR 1ST BLOCK,
BENGALURU- 56066.
- 4 . SUB-REGISTRAR
OFFICE OF THE DISTRICT REGISTRAR
SHIVAJINAGAR, REGISTRATION DISTRICT
4TH FLOOR, NO.122/2,
MONARCH CHAMBERS, INFANTRY ROAD,
BANGALORE 560001

.....RESPONDENTS

(BY SRI. SREEVATSA., SR. COUNSEL FOR
SRI. ROHAN HOSMATH., ADVOCATE FOR R1 & R2
SRI. V.SESHU., HCGP FOR R4
SRI. KARTIK FOR SMT. VANDANA P.L., ADVOCATES
FOR R3)

THIS CRP IS FILED UNDER SECTION 115 OF CPC,
PRAYING THIS HON'BLE COURT TO SET ASIDE THE IMPUGNED
ORDER DATED 21.02.2026 PASSED IN MISC NO.785/2025 ON
THE FILE OF PRINCIPAL CITY CIVIL AND SESSIONS JUDGE, AT
BENGALURU, AT ANNEXURE A AND ETC.,

THIS PETITION HAVING BEEN HEARD AND RESERVED ON
09.03.2026 AND COMING ON FOR PRONOUNCEMENT OF
ORDERS, THIS DAY, THIS COURT MADE THE FOLLOWING:

CORAM: HON'BLE MR JUSTICE R DEVDAS

CAV ORDER

(PER: HON'BLE MR JUSTICE R DEVDAS)

This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure assailing the impugned order passed by the learned Principal City Civil and Sessions Judge, Bengaluru in Misc. Case No.785/2025.

2. O.S.No.1453/2024 was filed by the respondents No.1 and 2 herein for the relief of specific performance of an agreement dated 13.03.2023 and other reliefs. O.S.No.2897/2024 was filed by petitioner No.1 herein for relief of permanent injunction. The Misc. Case was also filed by respondents No.1 and 2 herein seeking transfer of the two suits along with Misc. Case No.576/2024 from CCH-2 to any other court. The Misc. Case No.576/2024 was also filed by respondents No.1 and 2 herein before the trial court alleging disobedience of the injunction order. The learned Principal City Civil and Sessions Judge passed the impugned order, allowing the petition filed under Section 24 of CPC while transferring the two suits and the

miscellaneous petition from CCH-2 to CCH-30, for disposal in accordance with law.

3. Learned Senior Counsel Sri G.L.Vishwanath, appearing for the petitioners, submitted that the petitioners purchased the suit schedule property from respondents No.3 herein under registered sale deed dated 13.03.2024. However, since respondents No.1 and 2 sought to interfere with the suit schedule property, petitioner No.1 herein filed O.S.No.2897/2024 for permanent injunction and obtained an ex-parte ad-interim order on 23.04.2024. The trial court, thereafter confirmed the interim order and aggrieved by the same respondent No.1 herein filed MFA No.6603/2024 before this Court. This Court allowed the MFA in part and directed the parties to maintain status quo till the disposal of the suit and further directed the trial court to dispose of both the suits within a period of one year.

4. The learned Senior Counsel, while drawing the attention of this Court to Annexure-E, a subsequent order passed by this Court in MFA No.6603/2024, submits that

having regard to the conduct of respondents No.1 and 2 herein and the fact that the trial court was not able to dispose of the suits within a period of one year, the Presiding Officer sought extension of time and this Court, in its order dated 28.11.2025 has taken note of the information provided by the Presiding Officer that respondents No.1 and 2 herein filed an application for amendment and several adjournments were taken. However, even after the said application for amendment was disposed of, respondents No.1 and 2 filed one more application for recasting of issues and the said application was also allowed. However, this Court stayed all further proceedings in a writ petition filed by respondent No.3 herein. After the disposal of the writ petition, a review petition was filed and once again this Court directed the trial court to defer the proceedings. Ultimately when the matter was set down for evidence, respondents No.1 and 2 again sought for adjournments. This Court took note of the statements made by the presiding officer, and called for production of the order sheets and on verification of the order sheets, this Court found that there was truth in

the statements made by the presiding officer. Accordingly, while extending the time for disposal of the suits, this Court imposed costs of Rs.50,000/- against respondents No.1 and 2 herein.

5. Learned Senior Counsel further submitted that this Court should take note of the fact that the orders for extension of time was passed on 28.11.2025 while hearing the parties on both the sides, but respondents No.1 and 2 herein did not disclose the fact that they had filed Miscellaneous Petition No.785/2025 on 17.07.2025, seeking transfer of the matters to another court. On the other hand, vague allegations are made against the Presiding Officer that the Presiding Officer made oral remarks on 08.04.2025, 09.04.2025 and 11.04.2025 which clearly showed bias on the part of the Presiding Officer. Learned Senior Counsel submitted that the Presiding Officer was only trying to avoid unnecessary adjournments having regard to the directions issued by this Court for disposal of the suits within a time frame. Learned Senior Counsel further submitted that more than

130 dates of hearing have taken place in the matter and the order sheets clearly reveal the fact as alleged by the Presiding Officer before this Court.

6. Per contra, learned Senior Counsel Sri. Sreevatsa, appearing for respondents No.1 and 2 herein contended that a civil revision petition under Section 115 of the CPC is not maintainable in respect of an order passed under Section 24 of the CPC. In that regard, learned Senior Counsel placed reliance on two decisions of the Kerala High Court in ***Wilson Paul Vs. Pathrose – 2008 SCC OnLine Kerala 310 and V.Gopinath Panicker Vs. Padmini Kunjamma in CRP No.329/2010*** disposed of on 25.06.2010 and a decision of the Gujarat High Court in ***Harshad Babubhai Amin vs. Pravinaben Chandrakant Patel and others – 2003 SCC OnLine Guj 28.***

7. However, learned Senior Counsel Sri G.L.Vishwanath, has drawn the attention of this Court to a decision of a Division Bench of Allahabad High Court (Lucknow Bench) in the case of ***Babusingh and others***

vs. Raj Bahadur Singh and Others, Transfer Application (Civil) No.12 of 2021 decided on 10.11.2022, which took into consideration all the judgments cited by the learned Senior Counsel for respondents No.1 and 2. The Division Bench has held, while agreeing with the interpretation given to Section 115 by the Allahabad High Court earlier in ***Jagdish Kumar vs. The District Judge, Budaun 1998 (1) ARC 305 and Paras Jain .vs. Izhar Ahmad and Others - 2014 (11) ADJ 281,*** that a transfer application is 'other proceedings' and the order passed thereon is a 'case decided', because the order passed on the transfer application by the District Judge disposes it of finally. Therefore, a Civil Revision Petition is maintainable.

8. Learned Senior Counsel Sri. Sreevatsa further submitted that it is respondents No.1 and 2 who filed the suit earlier in O.S.No.1453/2024 seeking specific performance of the agreement of sale and the petitioners herein have purchased the suit schedule property from respondent No.3, after the suit was filed. It is submitted

that the learned Prl. District Judge has rightly considered the grievance of respondents No.1 and 2 herein, while directing transfer of the matters to another court.

9. Heard the learned Senior Counsels on both the sides and perused the petition papers.

10. Insofar as the preliminary objection raised by the learned Senior Counsel appearing for respondents No.1 and 2, regarding maintainability of the Civil Revision Petition, the position has been made clear by the Division Bench of the Allahabad High Court in the case of **Babu Singh** (supra). The power conferred on a superior court in Section 115 of the CPC empowers the superior court to revise an order passed in a case 'decided' in an original suit or 'other proceedings' by a subordinate court where no appeal lies against the order. This Court is in respectful agreement with the decision of the Division Bench of the Allahabad High Court. A transfer application under Section 24 of CPC, when allowed by the District Court, it amounts to final disposal of the proceedings. The proceedings under Section 24 though ancillary to the suit are judicial in

nature, where the court has to consider the grounds for transfer urged by one party and opposed by the other, together with the material on record. The decision in that regard may not have any direct impact on the *lis* involved in the suit, appeal or other kind of proceedings, but a decision is to be judicially arrived at by the District Judge after due application of mind and hearing parties. The Division Bench has therefore rightly held that a transfer application is 'other proceeding' and the order passed thereon is a 'case decided', because the order passed on the transfer application by the District Judge disposes it of finally. No appeal lies on the impugned order passed by the learned Principal District Judge, therefore, this Civil Revision Petition filed under Section 115 of CPC is maintainable.

11. On the facts of the case, the learned Senior Counsel appearing for the petitioners is right in his submission that respondents No.1 and 2 did not disclose before this Court, when it was considering the request for extension of time, at the instance of the Presiding Officer, that they have filed an application under Section 24 of

CPC, seeking transfer of the matters to any other court. This Court was furious that its earlier direction issued on 30.10.2024 to dispose of the matters within a period of one year could not be accomplished on account of several interlocutory applications being filed by respondents No.1 and 2 herein and their non-cooperation in disposing of the matters within the time frame fixed by this Court. Accordingly, costs of Rs.50,000/- were imposed on respondents No.1 and 2 herein, while extending the time by three months and with a specific direction to respondents No.1 and 2 herein to render assistance to the trial court in disposing of the suit. In this background, no fault can be found with the Presiding Officer in insisting the parties to go on with the matter and not granting adjournments. Such an action on the part of the Presiding Officer cannot be painted red, alleging bias.

12. For the foregoing reasons, this Court is of the considered opinion that the matters could not be transferred to another court. The Presiding Officer who took charge on 29.05.2024 is fully conversant with the

facts of the case and at this juncture, if the matters are transferred to another court, the other Presiding Officer will need additional time to understand the facts and conclude the proceedings within the time frame fixed by this Court. Therefore, the matters could not have been transferred to another court.

13. Consequently, the Civil Revision Petition is **allowed**. The impugned order dated 21.02.2026 passed by the learned Principal City Civil and Sessions Judge, Bengaluru in Misc.No.785/2025, is hereby quashed and set aside. The learned trial judge is hereby directed to proceed to conclude the proceedings in O.S.No.1453/2024; O.S.No.2897/2024 and Misc. No.576/2024, within a period of three months from the next date of hearing, as directed in MFA No.6603/2024 in the order dated 28.11.2025.

Ordered accordingly.

**Sd/-
(R DEVDAS)
JUDGE**

KLY
CT: JL