



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 942 OF 2024 (GM-CPC)

BETWEEN:

1. RAJANNA
S/O REVAIAH
AGED ABOUT 63 YEARS
AGRICULTURIST
R/AT KALLENAHALLI
ADALAGERE POST, NITTUR HOBLI
GUBBI TALUK, TUMKUR DISTRICT-572 223.
2. SHIVANNA
S/O REVAIAH
AGED ABOUT 55 YEARS
AGRICULTURIST
R/AT KALLENAHALLI, ADALAGERE POST
NITTUR HOBLI, GUBBI TALUK
TUMKUR DISTRICT - 572 223
3. DASANNA
S/O REVAIAH
AGED ABOUT 50 YEARS
AGRICULTURIST
R/AT KALLENAHALLI, ADALAGERE POST
NITTUR HOBLI, GUBBI TALUK
TUMKUR DISTRICT - 572 223.
4. THIMMAIAH
S/O REVAIAH
AGED ABOUT 50 YEARS
AGRICULTURIST
R/AT KALLENAHALLI, ADALAGERE POST
NITTUR HOBLI, GUBBI TALUK
TUMKUR DISTRICT - 572 223

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



5. MANJUNATH
S/O REVAIAH
AGED ABOUT 45 YEARS
AGRICULTURIST
R/AT KALLENAHALLI, ADALAGERE POST
NITTUR HOBLI, GUBBI TALUK
TUMKUR DISTRICT - 572 223

...PETITIONERS

(BY SMT. LATHA D L., ADVOCATE)

AND:

BALAJI K R
S/O LATE RANGAPPA
AGED ABOUT 35 YEARS
R/AT KALLENAHALLI, ADALAGERE POST
NITTUR HOBLI, GUBBI TALUK
TUMKUR DISTRICT - 572 223.

...RESPONDENT

(BY SRI. NAIK NARAYAN MASTAPPA., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE SUCH APPROPRIATE WRIT, ORDER OR DIRECTION MORE PARTICULARLY A WRIT OF CERTIORARI SETTING ASIDE ORDER AND JUDGEMENT IN MA 14/2023 ON THE FILE OF ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, GUBBI, DATED: 02.11.2023 SHOWN AT ANNEXURE-L AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD



ORAL ORDER

1. In this writ petition, the petitioners-plaintiffs have called in question the judgment dated 02.11.2023 passed by the Addl. Senior Civil Judge and JMFC, Gubbi (for short 'First Appellate Court') in M.A.No.14/2023, whereby the said appeal has been allowed and order dated 16.06.2023 passed by the Addl. Civil Judge, Gubbi (for short 'Trial Court') on applications filed under Order XXXIX Rule 1 and 2 of CPC in O.S.No.578/2022 has been set aside.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. The plaintiffs filed a suit in O.S.No.578/2022 before the Trial Court seeking for relief of declaration and permanent injunction. Along with the suit, plaintiffs filed applications, i.e., IA Nos. 1 and 2 under Order XXXIX Rule 1 and 2 of CPC seeking for an order of temporary



injunction. The Trial Court, by order dated 16.06.2023, allowed the said applications and granted an order of temporary injunction restraining the defendants from alienating suit schedule property and from interfering with the peaceful enjoyment of the plaintiffs in the said property, pending disposal of the suit. Aggrieved by the said order passed by the Trial Court, the defendants filed M.A.No.14/2023 under Order XLIII Rule 1(r) of CPC before the First Appellate Court. The First Appellate Court, by impugned order dated 02.11.2023 has allowed the appeal and set aside the said order of temporary injunction passed by the Trial Court. Being aggrieved by the judgment passed by the First Appellate Court, the plaintiff is before this court.

4. The suit is one for declaration and permanent injunction. The defendants have entered appearance and filed their written statement. On the basis of the pleadings, the Trial Court has framed issues and the



matter is presently posted for evidence, more particularly, for cross-examination of the plaintiffs.

5. Having regard to the facts and circumstances of the case, and in the interest of justice, this Court is of the considered view that the writ petition can be disposed of by directing the parties to maintain status quo in respect of the suit schedule property until disposal of the suit.

6. Accordingly, the following order is passed:

ORDER

- a) The writ petition is disposed of.
- b) The judgment dated 02.11.2023 passed by the Addl. Senior Civil Judge and JMFC, Gubbi, in M.A.No.14/2023, is hereby modified.
- c) Parties are directed to maintain status-quo in respect of the suit schedule property, till the disposal of the suit.



- d) The Trial Court is directed to dispose of the suit in accordance with law and as expeditiously as possible, not later than six months from the date of receipt of a certified copy of this order, provided there is no order of stay of the said proceedings granted by any other Court of law.
- e) Parties are directed to co-operate for early disposal of the suit.

**Sd/-
(H.T. NARENDRA PRASAD)
JUDGE**

DM
LIST NO.: 1 SL NO.: 68