



CNR: KAHC010035612022

NC: 2026:KHC:43241
W.P. No.1878/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 13TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.1878/2022 (GM-CPC)

BETWEEN:

1. NAGARAJU
S/O LATE LINGAPPA @ LINGANNA
AGED ABOUT 56 YEARS.
2. RAMAKRISHNAIAH
S/O LATE LINGAPPA @ LINGANNA
AGED ABOUT 59 YEARS.

BOTH ARE R/O GUNDAPALYA
KASABA HOBLI
KORATAGERE TALUK 572129
TUMKUR DISTRICT.

...PETITIONERS

(BY SRI. GANAPATHI S. SHASTRI, ADV.,)

AND:

1. G.A. RAMAKRISHNAPPA
S/O K. ASHWATHAIAH @ ASHWATHAPPA
AGED ABOUT 71 YEARS.
2. GANESH G.A.
S/O K. ASHWATHAIAH @ ASHWATHAPPA
AGED ABOUT 46 YEARS.
3. UMA R.C.
W/O LATE PUTTARAMU G.A.
AGED ABOUT 56 YEARS.

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



CNR: KAHC010035612022

**NC: 2026:KHC:43241
W.P. No.1878/2022**

ALL ARE R/O GUNDAPALYA, KASABA HOBLI
KORATAGERE TALUK 572129
TUMKUR DISTRICT.

...RESPONDENTS

(BY SRI. SHIVANANDA S, ADV., FOR
SRI. G.L. HANUMANTHA GOWDA, ADV., FOR R1 TO R3)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER
DTD. 11.11.2021 PASSED BY LEARNED IV ADDL. DISTRICT
JUDGE, TUMAKURU, SITTING AT MADHUGIRI IN M.A.NO.
5002/2021 (ANNX-G) BY ALLOWING THE ABOVE PETITION &
ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated
11.11.2021 passed in M.A.No.5002/2021 by the IV
Additional District Judge, Tumakuru sitting at Madhugiri
(for short, 'the Appellate Court').

2. Heard Sri.Ganapathi S.Shastri, learned counsel
for the petitioners and Sri.Shivananda S., learned counsel
for Sri.G.L.Hanumantha Gowda, learned counsel for the
respondent Nos.1 to 3.



3. The respondents filed a suit in O.S.No.124/2020 seeking the relief of declaration and injunction with regard to the suit schedule property i.e property in Sy.No.40 measuring 4 acres situated at Hulugovahalli Village, Kasaba Hobli, Koratagere Taluk, Tumakuru District. In the said suit, the respondents-plaintiffs filed an application seeking temporary injunction which came to be rejected by the Trial Court vide order dated 19.04.2021. The plaintiffs assailed the said order before the Appellate Court in M.A.No.5002/2021. The Appellate Court, vide order dated 11.11.2021, allowed the appeal by setting aside the order of the Trial Court and by granting the relief of temporary injunction as sought in the application filed by the plaintiffs.

4. The Trial Court, while rejecting the application for temporary injunction, at paragraph 15, had recorded the reasons that the RTC extract shows that the land measuring 2 acres 25 guntas is jointly standing in the



**NC: 2026:KHC:43241
W.P. No.1878/2022**

CNR: KAHC010035612022

name of plaintiffs and defendant Nos.3 to 5 and that the column No.10 of the RTC shows that the mutation is based on inheritance. The Trial Court further recorded the finding that the plaintiffs have failed to establish their exclusive possession over the suit schedule property and also to establish the *prima facie* case and rejected the application. In support of the said finding, the learned counsel for the petitioners submitted that the RTC in question indicates that there is a joint possession of the plaintiffs and other family members with regard to 2 acres 25 guntas. However, the relief of injunction is sought for 4 acres. It is to be noticed that the plaintiffs have produced 3 registered sale deeds dated 05.03.1973, 08.07.1981 and 22.06.2001 before the Court.

5. The Appellate Court, considering the aforesaid sale deeds and the existing RTC placed by the plaintiffs, has recorded the finding that the land in Sy.No.40 is totally measuring 4 acres and the names of the plaintiffs



NC: 2026:KHC:43241
W.P. No.1878/2022

and the defendant Nos.3 to 5 have been jointly mutated to an extent of 2 acres 25 guntas as per M.R.No.H26/2019-2020 and further, under the registered sale deed dated 22.06.2001, Sri.K.T.Narayanappa had sold an extent of 1 acre 15 guntas with specific boundaries in favour of K.Ashwathappa who is none other than the father of the plaintiffs. The Appellate Court, considering the documents placed by the plaintiffs which were 6 in numbers and considering the written statement filed by the defendant Nos.3 to 5, has recorded a clear finding that the plaintiffs have established a *prima facie* case to grant the temporary injunction with regard to 4 acres in Survey No.40 which is the suit schedule property. The said finding of the Appellate Court is on consideration of the revenue records as well as the 3 sale deeds and other documents placed by the plaintiffs. I do not find any perversity or error in the finding recorded by the Appellate Court calling for interference in this writ petition.



**NC: 2026:KHC:43241
W.P. No.1878/2022**

CNR: KAHC010035612022

6. It is also pointed out that the plaintiffs could not get the RTC effected in their names to an extent of 1 acre 15 guntas and now the names of the plaintiffs and the defendants are reflected in the RTC to the aforesaid extent. Be that as it may, the Appellate Court, taking into account the material placed before it, has *prima facie* come to the conclusion that the plaintiffs have made out a case and granted temporary injunction. The same does not call for any interference. Accordingly, I proceed to pass the following:

ORDER

The writ petition is devoid of merits and the same is hereby ***rejected***.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

RV
List No.: 1 Sl No.: 21