



CNR: KAHC010174312020

NC: 2026:KHC:44796
W.P. No.1561/2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 19TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.1561/2021 (GM-CPC)

BETWEEN:

1. SRI. BORAIHAH
SON OF LATE CHOWDAIAH
AGED ABOUT 59 YEARS
R/AT MANGADAHALLI VILLAGE
VIRUPAKSHIPURA HOBLI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-562138.
2. SRI. ATTAIAH
SINCE DEAD BY LR'S.
- 2(a) SMT. GOWRAMMA
W/O LATE ATTAIAH
AGED ABOUT 55 YEARS
R/AT MANGADAHALLI VILLAGE
VIRUPAKSHIPURA HOBLI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-562138.
- 2(b) SRI. MUNISIDDAIAH
S/O LATE ATTAIAH
AGED ABOUT 25 YEARS
R/AT MANGADAHALLI VILLAGE
VIRUPAKSHIPURA HOBLI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-562138.
- 2(c) KUM. KAVYA
D/O LATE ATTAIAH
AGED ABOUT 23 YEARS

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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R/AT MANGADAHALLI VILLAGE
VIRUPAKSHIPURA HOBLI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-562138.

- 2(d) SRI. CHOWDESH
S/O LATE ATTAIAH
AGED ABOUT 20 YEARS
R/AT MANGADAHALLI VILLAGE
VIRUPAKSHIPURA HOBLI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-562138.

[AMENDED VIDE ORDER DTD:25.04.2025]

3. SIDDARAMU
SON OF LATE CHOWDAIAH
AGED ABOUT 51 YEARS
R/AT MANGADAHALLI VILLAGE
VIRUPAKSHIPURA HOBLI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-562138.

...PETITIONERS

(BY SRI. P.M. GOPI, ADV.,)

AND:

1. SRI. PUTTASIDDAIAH
SON OF LATE SIDDA @ NATHAIAH
AGED ABOUT 61 YEARS
R/AT MANGADAHALLI VILLAGE
VIRUPAKSHIPURA HOBLI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-562138.
2. SRI. SIDDARAJU
SON OF LATE SIDDA @ NATHAIAH
AGED ABOUT 50 YEARS
R/AT MANGADAHALLI VILLAGE



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VIRUPAKSHIPURA HOBLI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-562138.

3. SRI. RAJESH
SON OF LATE SIDDA @ NATHAIAH
AGED ABOUT 47 YEARS
R/AT MANGADAHALLI VILLAGE
VIRUPAKSHIPURA HOBLI
CHANNAPATNA TALUK
RAMANAGARA DISTRICT-562138.

...RESPONDENTS

(BY SRI. PRAMOD R, ADV., FOR R1 TO R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS IN O.S.NO.178/2017 ON THE FILE OF LEARNED ADDITIONAL CIVIL JUDGE AND JMFC, CHANNAPATNA. CALL FOR RECORDS IN M.A.NO.9/2018 ON THE FILE OF LEARNED SENIOR CIVIL JUDGE AND JMFC, CHANNAPATNA. SET ASIDE THE ORDER DATED 23.10.2019 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC, CHANNAPATNA AS PER ANNEXURE-F ON INTERLOCUTORY APPLICATION-I.A.NO.1 UNDER ORDER 39 RULES 1 AND 2 R/W SECTION 151 OF CPC FILED BY THE PETITIONERS/PLAINTIFF IN O.S.NO.178/2017 AND THEREBY DISMISS THE APPLICATION FILED I.A.NO.II, ANNEXURE-B, BY ALLOWING THE WRIT PETITION & ETC.

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



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

ORAL ORDER

This writ petition is filed challenging the order dated 23.10.2019 passed in M.A.No.9/2018 by the Senior Civil Judge and JMFC, Channapatna Taluk, Ramanagara District (for short, '***the Appellate Court***').

2. Heard Sri.P.M.Gopi, learned counsel for the petitioner and Sri.Pramod R., learned counsel for the respondents and perused the material available on record.

3. The respondents-plaintiffs have filed the suit in O.S.No.178/2017 seeking the relief of declaration and permanent injunction with regard to the suit schedule Item Nos.1 to 6 properties. In the said suit, the petitioners-defendants filed a detailed written statement. The plaintiffs filed an application for temporary injunction under Order XXXIX Rule 1 and 2 of the Code of Civil



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Procedure, 1908, (for short, '**the CPC**') in the suit. The trial Court vide order dated 31.03.2018 rejected the said application, which was challenged by the plaintiffs in M.A.No.9/2018, wherein the Appellate Court vide order dated 23.10.2019 recording the reasons that the plaintiffs had relied on three (03) sale deeds and the defendants also claimed the acquisition of title by virtue of the registered sale deed dated 22.05.1955 and also recorded the finding that the defendants entered into compromise in O.S.No.144/2000 and by virtue of the said compromise, the revenue records were mutated and the plaintiffs have relied on the sale deed which are a decade old and proceeded to grant temporary injunction.

4. It is to be noticed that the plaintiffs as well as the defendants are claiming their respective title contending that the father of the plaintiffs had acquired the properties under registered sale deed dated 22.08.1947, 14.09.1940 and 22.05.1955. Similarly, the



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petitioners-defendants have taken a contention that the father of the defendants purchased the suit schedule properties vide registered sale deed dated 22.05.1955 and thereafter the revenue records were mutated in the name of the father of the plaintiffs as well as the father of the defendants. The defendants have placed revenue records before the trial Court indicating that the suit schedule properties were standing in the name of father of the plaintiffs and the father of the defendants. The records indicate that the defendants have filed suit in O.S.No.144/2000 amongst the brothers and the said suit ended in compromise and based on such compromise, the revenue records were mutated in their names.

5. It is to be noticed that even prior to the compromise in O.S.No.144/2000, admittedly the revenue records were standing in the name of father of the plaintiffs as well as the father of the defendants. Hence in my considered view, the appellate Court has committed



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grave error in recording the finding that the plaintiffs have produced three (03) sale deeds which *prima facie* establishes the possession over the suit schedule properties and granted temporary injunction by ignoring the revenue records placed by the defendants which are even prior to the compromise decree in O.S.No.144/2000. Hence, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order dated 23.10.2019 passed in M.A.No.9/2018 by the Senior Civil Judge and JMFC, Channapatna Taluk, Ramanagara District is set aside.

No order as to costs.

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