



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 9518 OF 2026 (GM-CPC)

BETWEEN:

SRI. K.M.SHAMBHANNA
S/O A.T.MALLESHAPPA,
AGED ABOUT 50 YEARS,
R/O AHDIBHUTHAPPA STREET,
VIJAYPURA EXTENSION,
CHIKKAMAGALURU CITY-577 101.

...PETITIONER

(BY SRI. GIRISH B BALADARE, ADVOCATE)

AND:

1. ONKARAPPA C.V.
S/O VEERABHADRAPPA
AGED ABOUT 65 YEARS,
R/O NO.21, BOMMALINGESHWARA NILAYA,
OPP. TO TARALUBALU, LADIES HOSTEL,
MUNIRATHNAMMA LAYOUT,
KRUSHINAGARA, SHIVAMOGGA TOWN,
SHIVAMOGGA TALUK AND DISTRICT-577 204.

2. KIRAN
S/O BASAVARAJAPPA
AGED ABOUT 39 YEARS,
R/O CHEERANAHALLY VILLAGE,
AJJAMPURA TALUK,
CHIKKAMAGALURU DISTRICT-577 549.

...RESPONDENTS

(BY SRI. K.B.NAVEEN KUMAR, ADVOCATE FOR C/R1 AND R2)

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, DIRECTIONS OR ORDER QUASHING THE ANNEXURE-K THAT THE ORDER DATED 26.02.2026 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT TARIKERE, ON IA NO 1 FILED UNDER SECTION 151 R/W ORDER 41 RULE 5(1) OF CPC, IN M.A. NO. 1/2025 BY THE DEFENDANTS IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS WRIT 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 petitioner-plaintiff has called in question the order dated 26.02.2026 passed by the Senior Civil Judge and JMFC, Tarikere (for short 'First Appellate Court') on I.A.No.1 filed under Order XLI Rule 5(1) read with Section 151 of CPC, in M.A.No.1/2025, whereby the said application has been allowed.

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



3. The plaintiff filed a suit in O.S.No.60/2024 before the Addl. Civil Judge and JMFC, Tarikere (for short 'Trial Court') seeking for relief of permanent injunction. Along with the suit, plaintiff filed an application under Order XXXIX Rule 1 and 2 of CPC seeking for temporary injunction. The Trial Court, by order dated 07.12.2024, allowed the application and granted an order of temporary injunction restraining the defendants, their men, agents, servants or anybody claiming through them from interfering with the peaceful possession and enjoyment of the plaintiffs over the suit schedule properties or from trespassing into the same or from causing acts of waste and damage over the suit schedule properties by plaintiffs, pending disposal of the suit. Aggrieved by the said order passed by the Trial Court, the defendants filed M.A.No.1/2025 before the First Appellate Court. In the said appeal, the defendants filed I.A.No.1 under Order XLI Rule 5(1) read with Section 151 of CPC seeking for stay of execution and operation of the order dated 07.12.2024



passed by the Trial Court in the suit. The First Appellate Court, by impugned order dated 26.02.2026 has allowed the said application. Being aggrieved by the said order passed by the First Appellate Court, the plaintiffs are before this court.

4. It is pertinent to note that M.A.No.1/2025 filed by the defendants, challenging the order of temporary injunction granted under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908, is still pending consideration before the First Appellate Court. The impugned order passed by the First Appellate Court is only on an application filed seeking stay of operation and execution of the temporary injunction order passed by the Trial Court. The First Appellate Court has not yet passed the final order on M.A.No.1/2025.

5. In the aforesaid circumstances, and in the interest of justice, this Court is of the considered opinion that the writ petition deserves to be allowed, with a direction to the



parties to maintain status quo in respect of the suit schedule properties until the disposal of the appeal by the First Appellate Court.

6. Accordingly, the following order is passed:

ORDER

- a) The writ petition is allowed.
- b) The impugned order dated 26.02.2026 passed by the Senior Civil Judge and JMFC, Tarikere on I.A.No.1 filed under Order XLI Rule 5(1) read with Section 151 of CPC, in M.A.No.1/2025, is hereby set aside.
- c) Parties are directed to maintain status-quo in respect of the suit schedule properties, till the disposal of the appeal filed by the defendants pending before the First Appellate Court.
- d) The First Appellate Court is directed to dispose of the appeal in accordance with law on or before 30th April 2026.
- e) All the contentions of the parties are kept open.

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

DM, List No.: 1 Sl No.: 22