



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 10962 OF 2026 (GM-CPC)

BETWEEN:

K MAHADEVAPPA KUMBAR
S/O KARIBASAPPA, DEAD BY HIS LRS.

1. SHIVAKUMAR M.
S/O K. MAHADEVAPPA,
AGED ABOUT 59 YEARS
OCC: AGRI,
2. MRUTHYUNJAYA
S/O K. MAHADEVAPPA,
AGED ABOUT 44 YEARS,
OCC: AGRI,
3. RAGHAVENDRA
S/O K. MAHADEVAPPA,
AGED ABOUT 42 YEARS,
OCC: AGRI,
4. YOGESH
S/O K MAHADEVAPPA
AGED ABOUT 39,
OCC AGRI,
5. MADHURA CHAKRASALI
W/O BHOJARAJ.S.R,
AGED ABOUT 54 YEARS,
OCC AGRI,

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



ALL ARE R/AT ULAVI VILLAGE,
SORABA TQ,
SHIVAMOGGA DIST - 577 429.

...PETITIONERS

(BY SRI. PARAMESWARAIAH D.C., ADVOCATE)

AND:

SRI SEBASTIAN P J
S/O JOSHEF,
AGED ABOUT 69 YEARS,
R/AT ULAVI VILLAGE, SORABA TQ,
SHIVAMOGGA DIST - 577 429.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED ORDER DATED 10.03.2026 PASSED BY THE C/C I
ADDL. CIVIL JUDGE AND JMFC AT SORABA IN O.S. NO.
31/2016 AN ORDER ON I.A. NO. 08/2026, VIDE ANNEXURE-E.

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

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

ORAL ORDER

In this writ petition, the petitioner has called in
question the order dated 10.03.2026, passed by the I
Addl. Civil Judge and JMFC., at Soraba (for short 'Trial



Court'), in O.S.No.31/2016 on I.A.No.VIII filed by the plaintiff under Section 151 of CPC seeking for police protection, which has been allowed by the Trial Court.

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.31/2016 for easementary right and injunction before the Trial Court. Along with the plaint, plaintiff filed an application I.A.No.1 under Order XXXIX Rule 1 and 2 of CPC seeking direction to the defendants to restrain them from damaging the road existing in Sy.No.43 used to reach Sy.No.62 of Ulavi Village, till disposal of the suit.

4. The Trial Court by order dated 19.07.2021, has rejected that application.

5. Being aggrieved by the said order, the plaintiff filed an appeal before the Senior Civil Judge and JMFC.,



Soraba in Miscellaneous Appeal No.1/2022. The first Appellate Court by the order dated 14.11.2022 allowed the appeal, restraining the defendants from damaging the road existing in Sy.No.43 used to reach Sy.No.62 of Ulavi village, till the disposal of the suit.

6. During the pendency of the suit, the plaintiff has filed an application under Section 151 of CPC seeking police protection on the ground that the petitioner herein is obstructing the plaintiff from passing through that road. On that basis, Trial Court by the impugned order, allowed the application and police protection has been given to implement the order dated 14.11.2022. Being aggrieved by the said order, petitioners/defendants are before this Court.

7. Learned counsel appearing for the petitioners has submitted that the petitioners are not obstructing or damaging the road existing in Sy.No.43 and that they are only irrigating their property which is adjacent to that road



by using a sprinkler which will not cause any damage to the road and that they are not blocking that road. The plaintiff taking advantage of the impugned order and taking police help, stopped the irrigation in the petitioners property.

8. Be that as it may, it is made clear that police have to assist the plaintiff only for implementing the order passed by the trial court. If petitioners use their sprinkler for irrigating the property, and if it is not causing any damage to the road, the plaintiff cannot take advantage of the impugned order and harass the petitioners.

9. With the above clarification, this writ petition is ***disposed of.***

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

PSJ
List No.: 1 Sl No.: 20