



CNR: KAHC010316302022

NC: 2026:KHC:39561
W.P. No.14225/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 29TH DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.14225/2022 (GM-CPC)

BETWEEN:

SMT. JAYAMMA
W/O LATE CHANNEGOWDA
AGED 80 YEARS
VALAGEREDODDI, MANKUNDA HOBLI
CHANNAPATNA TALUK-571421.

...PETITIONER

(BY SRI. K.S. MANJUNATH, ADV.,)

AND:

1. MR. C. RAMESH
S/O LATE CHENNEGOWDA
AGED 60 YEARS
KETHAGANAHALLI VILLAGE
BIDADI HOBLI, RAMANAGARA TALUK
RAMANAGARA DISTRICT-562109.

2. THE STATE OF KARNATAKA
BY ITS TAHSILDAR, TALUK OFFICE
CHANNAPATNA TALUK-562160.

...RESPONDENTS

(BY SRI. BASAVARAJU N, ADV., FOR
SRI. B. RAMESH, ADV., FOR R1
SRI. SANTOSHRAJ DESHMUKH, AGA FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO DECLARE
THAT THE ORDER DTD 15.06.2022 IN O.S.NO.189/2019
PASSED ON IA NO.4 BY THE LEARNED PRINCIPAL JUNIOR

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



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CIVIL JUDGE & JMFC, CHANNAPATNA VIDE ANNEX-A IS INVALID, NON-EST, UNSUSTAINABLE IN LAW AND FURTHER BE PLEASED TO ALLOW THE SAME IN FAVOUR OF THIS PETITIONER IN THE INTEREST OF JUSTICE & 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 15.06.2022 passed on I.A.No.4 in O.S.No.189/2019 on the file of the Principal Civil Judge and JMFC, Channapatna (for short, '***the trial Court***').

2. Heard Sri.K.S.Manjunath, learned counsel appearing for petitioner, Sri.Basavaraju N., learned counsel for Sri.B.Ramesh, learned counsel appearing for the respondent No.1, Sri.Santoshraj Deshmukh, learned Additional Government Advocate for respondent No.2 and perused the material available on record.

3. The petitioner-plaintiff had filed the suit in O.S.No.189/2019 against the respondents-defendants for



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the relief of declaration that suit lane is in existence since time immemorial and further that this plaintiff has acquired the right of easement of necessity for her family access i.e. for ingress and egress, to reach her land in Sy.No.74/1 from the main road and also sought prayer for perpetual injunction against the defendant No.1 from interfering with the use of the suit lane. In the said suit, on the plaintiff's application *ex parte* temporary injunction was granted, later the same came to be rejected.

4. The records indicate that the plaintiff filed an appeal challenging the trial Court's order dated 24.08.2020 before the Appellate Court in M.A.No.3/2020 and the Appellate Court allowed the appeal vide order dated 08.12.2021 by setting aside the order of the trial Court and consequently, the respondent No.1/defendant No.1 was restrained from causing obstruction or interfering with the plaintiff's enjoyment of the suit lane for ingress and egress to reach her land in Sy.No.74/1



from the main road till the final disposal of the suit on merits.

5. It is required to be noticed that the order of the Appellate Court has attained finality and the same is in force. The records further indicate that the plaintiff had filed an application seeking police help to implement the temporary injunction order granted by the Appellate Court, the trial Court allowed such prayer. The records further indicate that the plaintiff had filed I.A.No.4 seeking direction to remove the obstruction caused by the defendant and permit the plaintiff to use the said lane. The plaintiff's assertion in the affidavit accompanying the application indicates that in violation of the temporary injunction order granted by the Appellate Court and in violation of the police protection order granted by the trial Court as well, the defendant No.1 has closed the said lane and to substantiate the said contention, the petitioner has produced the photographs as at Annexure-D series to the



writ petition. The photographs indicate that the lane has been closed.

6. It is also submitted at the Bar that the petitioner-plaintiff had filed an application for contempt before the said Court and despite the same, there is obstruction from defendant No.1 from using the lane by the plaintiff. In my considered view, the trial Court is required to take up the application filed by the plaintiff for contempt on day-to-day basis as well as the respondent No.2-police is required to provide necessary assistance to the plaintiff to make use of the lane as per the interim order granted by the Appellate Court in M.A.No.3/2020. Hence, I proceed to pass the following:

ORDER

- i. The writ petition is ***disposed of*** without interfering with the impugned order.
- ii. The trial Court is directed to dispose of the plaintiff's application filed under Order XXXIX



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Rule 2A of the CPC as early as possible but not later than two (02) months from the date of receipt of the copy of this order, if it is not already disposed of.

- iii. The jurisdictional police i.e., M.K.Doddi Police, are directed to assist the plaintiff in implementing the order dated 08.12.2021 passed in M.A.No.3/2020 by the Senior Civil Judge and JMFC, Channapatna.

No order as to costs.

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

BSR
List No.: 1 Sl No.: 28