



CNR: KAHC010392342021

NC: 2026:KHC:38329
W.P. No.19338/2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF JULY, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.19338/2021 (GM-CPC)

BETWEEN:

SRI. YASHWANTH KUMAR
S/O SRI. MANJUNATH
AGED ABOUT 41 YEARS
R/AT DEVANGA BEEDHI, BELUR
HASSAN DISTRICT-573115.

...PETITIONER

(BY SMT. ARCHANA ANAND, ADV.,)

AND:

THE EXECUTIVE OFFICER
TALUK PANCHAYAT BELUR
HASSAN DISTRICT-573115.

...RESPONDENT

(BY SRI. MANOJ M. NAIK, ADV., FOR
SRI. NAGARAJAPPA A, ADV.,)

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by RUPA V
Location: HIGH
COURT OF
KARNATAKA

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DTD 08.01.2020 PASSED ON I.A.NO.III IN O.S.NO.231/2019 ON THE FILE OF THE CIVIL JUDGE, BELUR VIDE ANNEX-E AND ORDER DTD 31.08.2021 PASSED IN M.A.NO.04/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, BELUR VIDE ANNEX-K, CONSEQUENTLY ALLOW THE APPLICATION IA NO.III FILED BY THE PETITIONER/PLAINTIFF UNDER ORDER 39 RULE 1 AND 2 OF THE CODE OF CIVIL PROCEDURE IN O.S.NO.231/2019 ON THE FILE OF THE CIVIL JUDGE AND JMFC, BELUR & ETC.



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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 petition is filed challenging the order dated 08.01.2020 passed in on IA.No.3 in OS.No.231/2019 by the Civil Judge, Belur (for short 'the trial Court') and order dated 31.08.2021 passed in MA.No.4/2020 by the Senior Civil Judge and JMFC, Belur (for short 'the Appellate Court').

2. Heard Smt.Archana Anand, learned counsel appearing for the petitioner, Sri.Manoj M. Naik, learned counsel appearing for Sri.Nagarajappa A., learned counsel for the respondent and meticulously perused the material available on record.

3. The petitioner filed OS.No.231/2019 against the defendant - Taluk Panchayath seeking the relief of



permanent injunction in respect of the suit schedule property. In the said suit, the petitioner filed an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 (for short 'CPC') seeking temporary injunction restraining the defendant from interfering with his peaceful possession and enjoyment of the suit schedule property. The trial Court, considering the urgency pleaded, granted temporary injunction. Later, the said application for temporary injunction came to be dismissed. Being aggrieved, the petitioner/plaintiff preferred an appeal in MA.No.4/2020., which also came to be dismissed by the Appellate Court.

4. It is required to be noticed that the petitioner/plaintiff is contending that he is a tenant under the respondent by virtue of a registered lease deed dated 16.01.2014 and that he has been regularly paying the rent. It is submitted that the said rent was enhanced, which is being paid and the defendant accepted the said



rent. Despite accepting the rent, without any authority and due process, the defendant is trying to dispossess the plaintiff from the suit schedule shop, where the plaintiff is carrying on his business.

5. It is further required to be noticed that with the aforesaid assertion, the plaintiff filed a suit for injunction and the trial Court as well as the Appellate Court refused to protect the possession of the plaintiff during the pendency of suit. However, it is also required to be noticed that this Court, vide order dated 23.11.2021 has recorded the reason that the defendant taking law into its own hands, forcefully tried to evict the petitioner from the suit schedule property, therefore, directed the parties to maintain status quo and the said order is in force till date. In my considered view, the suit of the plaintiff is required to be decided on merits and till the suit is decided, the possession of the plaintiff over the suit schedule property is required to be protected. If status quo is not ordered



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during the pendency of the suit, then the respondents will evict the petitioner without due process, which is impermissible and suit would render infructuous. Hence, it would be appropriate to direct the parties to maintain status quo till the disposal of the suit. Hence, I proceed to pass the following:

ORDER

- i. The writ petition is ***disposed of***.
- ii. The trial Court shall dispose of the suit in OS.No.231/2019 as early as possible and till the disposal of the suit, the parties are directed to maintain status quo with regard to the suit schedule property.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE