



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 18547 OF 2022 (GM-CPC)

BETWEEN:

MR. M.C. SHUKUR
AGED ABOUT 65 YEARS,
S/O MOHAMMED GHOUSE
R/AT 1ST BLOCK NEAR JUNIOR COLLEGE
BIDARUR
SHANIVARASANTHE TOWN
SOMWARPET TALUK - 571 231

...PETITIONER

(BY SRI. R. BHADRINATH, ADVOCATE FOR
SRI. RAMESH KUMAR, ADVOCATE)

AND:

MR. M.S. MUSHEER AHAMAD
AGED ABOUT 49 YEARS,
S/O LATE DASTAGIR
R/AT HEMMANE VILLAGE
GOPALAPURA POST
SHANIVARASANTHE HOBLI
SOMWARPET TALUK - 571 231

...RESPONDENT

(BY SRI. MOHAMMED ASHHAR C.K., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO-QUASH

Digitally signed by
SHARADAVANI B
Location: HIGH
COURT OF
KARNATAKA



ANNX-A ORDER DATED 09.09.2022 PASSED BY THE PRINCIPAL CIVIL JUDGE AND JMFC, AT SOMWARPET IN O.S.NO.44/2022 ON I.A.NO.4 UNDER SECTION 151 OF CPC.

THIS PETITION, COMING ON FOR ORDERS, 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 09.09.2022 passed on I.A.No.4 in O.S.No.44/2022 by the Principal Civil Judge and JMFC, Somwarpete (hereinafter referred to as the 'Trial Court' for short).

2. Heard Sri. R. Bhadrinath, learned counsel appearing on behalf of Sri. Ramesh Kumar, learned counsel for the petitioner, and Sri. Mohammed Ashhar C.K, learned counsel appearing for the respondent.

3. The respondent herein has filed a suit for injunction. In the said suit, the Trial Court, vide order dated 13.07.2022, was pleased to grant an order of



temporary injunction. The said order was assailed by the petitioner in M.A.No.16/2022 before the Appellate Court.

4. Meanwhile, the respondent/plaintiff filed an application in I.A.No.4 under Section 151 of the Code of Civil Procedure seeking police assistance for enforcement of the temporary injunction order dated 13.07.2022 passed by the Trial Court. The said application was allowed, and the order passed thereon is assailed in the present petition.

5. It is required to be noticed that, the appeal filed by the petitioner in M.A.No.16/2022 the Appellate Court, vide order dated 15.04.2026, has partly allowed the appeal. The order dated 13.07.2022 passed by the Trial Court has been confirmed with a modification directing both the parties to maintain status quo in respect of possession over the suit schedule property till disposal of the suit.

6. It is to be noticed that in view of the subsequent order passed by the Appellate Court and in my



considered view, the correctness of the impugned order cannot be gone into. It is open to the parties to file an appropriate application for police assistance if they are able to point out that either of the parties is in violation of the order dated 15.04.2026 passed in M.A.No.16/2022.

7. With the aforesaid observation, the writ petition is ***disposed of.***

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

SHS
List No.: 1 Sl No.: 18