



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 20540 OF 2026 (GM-CPC)

BETWEEN:

MR. NARAYANA SHETTY,
S/O LATE TEJAPPA SHETTY,
AGED ABOUT 70 YEARS,
R/AT BANAKA NILAYA,
MUDRADI VILLAGE AND POST,
HEBRI TALUK,
UDUPI DISTRICT - 576 112.

...PETITIONER

(BY SRI. NISHANTH A.V., ADVOCATE)

AND:

MS. YASHODHA SHETTY,
D/O LATE TEJAPPA SHETTY,
AGED ABOUT 59 YEARS,
R/AT NADIBETTU HOUSE,
MUDRADI VILLAGE AND POST,
HEBRI TALUK,
UDUPI DISTRICT - 576 112.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO (A) SET ASIDE THE ORDER DATED 02.05.2026 PASSED ON IA NO.VIII BY THE LEARNED SENIOR CIVIL JUDGE AND ADDITIONAL CHIEF JUDICIAL MAGISTRATE, KARKALA, IN M.A.NO.4/2026 VIDE ANNEXURE - A AND ETC.,

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by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA



THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 02.05.2026 passed in M.A.No.4/2026 by the Senior Civil Judge & ACJM, Karkala, Udupi, the petitioner/plaintiff is before this Court.

2. The defendant has filed IA No. VIII seeking an order of temporary injunction directing the plaintiff to remove the stone pillars erected on the road passing through the property in Survey No. 107/1A, portion of Mudrady Village, which were blocking the road used by the defendant to gain access to the house situated on the property in Sy.No.107/1A, portion passed into the suit schedule property of the plaintiff, pending disposal of the suit, which was dismissed. Aggrieved thereby, the defendant has filed M.A.No.4/2026. The appellate Court, by the impugned order, allowed M.A.No.4/2026.

3. The plaintiff contends that the road does not exist and that the defendant has not shown any easementary right. Accordingly, the same can be considered. On the other hand,



the plaintiff's version is that there was only 3 feet of space, and the defendant has an alternative road for ingress and egress, which creates doubt about the plaintiff's contention. The complaint was lodged in November, while the cause of action alleged in the month of February, on the allegation that the defendant took out the arecanut trees from the plaintiff's property.

4. The Court observed that the defendant's contention that an alternative road exists itself makes out a prima facie case in favour of the defendant. The Court also observed that the defendant has produced photographs depicting the existence of the fence and the 3 feet road. According to the plaintiff, the said fencing was 42 years prior to the suit, when he purchased the property. The Court observed that at this stage, the Court cannot hold a mini trial and burden the plaintiff with establishing the same, but now has to rely upon the prima facie materials. Accordingly, the Court has allowed I.A.No.VIII and directed the plaintiff to remove the stone pillars put up to the road passing through the property in Sy.No.107/1A portion of Mudradi Village.



5. Learned counsel appearing for the petitioner/plaintiff submits that the Court has failed to consider the plaintiff's contentions and, on the basis of some photographs that are 40 years old, has passed the impugned order.

6. Heard the learned counsel for the petitioner and perused the material on record. In the very same suit, the Appellate Court has vacated the injunction granted by the trial Court and has also passed the order allowing this M.A. No.4/2006. Considering the nature of the dispute between the parties, the easementary rights sought, and the photographs, the Court has rightly passed the order, and this Court finds no reason to interfere. Hence, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE