



CNR: KAHC010529232022

NC: 2026:KHC:46823
W.P. No.23045/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 29TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.23045/2022 (GM-CPC)

BETWEEN:

SRI. REVANNA
S/O LATE SANNAIAH
AGED 52 YEARS
R/AT HONNIKUPPEGRAMA VILLAGE
KASABA HOBLI, HUNSURU TALUK
MYSURU DISTRICT - 571 105.

...PETITIONER

(BY SRI. Y.V. PRAKASH, ADV., FOR
SRI. Y.K. NARAYANA SHARMA, ADV.,)

AND:

SMT. SHIVAMMA
AGED 67 YEARS
W/O SRI. MARI
R/AT. SIDDANAKOPPALU VILLAGE
KASABA HOBLI, HUNSUR TALUK
MYSURU DISTRICT - 571105.

...RESPONDENT

(BY SRI. SUBRAMANYA BHAT M, ADV.,)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER
DTD 21.10.2022 PASSED IN M.A.NO.10/2020 BY THE COURT
OF THE PRINCIPAL SENIOR CIVIL JUDGE, AND JMFC, HUNSUR,
AS PER ANNEXURE-N AND ALSO SET ASIDE THE ORDERS DTD
23.10.2020, 06.08.2022 AND 26.08.2022 PASSED IN
O.S.NO.349/2019 BY THE COURT OF THE LEARNED

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



**NC: 2026:KHC:46823
W.P. No.23045/2022**

ADDITIONAL CIVIL JUDGE (JR DIVN) AND JMFC, HUNSUR AS PER ANNEXURE-F, L, M AND DISMISS THE IA NO.1 AND 3 FILED IN O.S.NO.349/2019 BEFORE THE COURT OF THE LEARNED ADDITIONAL CIVIL JUDGE (JR.DIVN) AND JMFC, HUNSUR BY ALLOWING THIS WRIT PETITION WITH COSTS & 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 petition is filed challenging the order dated 21.10.2022 passed in MA.No.10/2020 by the Principal Senior Civil Judge and JMFC, Hunsur (for short 'the Appellate Court') and orders dated 23.10.2020, 06.08.2022 and 26.08.2022 passed in OS.No.349/2019 by Additional Civil Judge (Junior Division) and JMFC, Hunsur, (for short 'the trial Court').

2. Heard Sri.Y.V.Prakash, learned counsel appearing for Sri.Y.K.Narayana Sharma, learned counsel



NC: 2026:KHC:46823
W.P. No.23045/2022

for the petitioner, Sri.Subramanya Bhat, learned counsel for the respondent and meticulously perused the material available on record.

3. The respondent filed a suit in OS.No.349/2019 seeking the relief of permanent injunction against the petitioner herein in respect of the suit schedule property. The plaintiff filed an application under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'CPC'), seeking an order of temporary injunction restraining the defendant from interfering with the peaceful possession and enjoyment of the suit schedule property of the plaintiff. The said application came to be allowed by the trial Court vide order dated 23.10.2020 by restraining the petitioner/defendant from interfering with the suit schedule property till disposal of the suit. Being aggrieved, the petitioner/defendant preferred an appeal in MA.No.10/2020 before the Appellate Court. The Appellate



NC: 2026:KHC:46823
W.P. No.23045/2022

Court vide order dated 21.10.2022 dismissed
MA.No.10/2020.

4. It is to be noticed that both the Courts concurrently held that the plaintiff was able to establish a prima facie case with regard to possession of the suit schedule property. It is further to be noticed that, during the pendency of the suit, the plaintiff filed IA.No.3 under Section 151 of the CPC, seeking police aid/assistance for enforcement of the order of temporary injunction. The trial Court vide order dated 06.08.2022, allowed the said application, which was later modified on 26.08.2022. It is also to be noticed that the suit schedule property is a land measuring 1 acre, whereas the petitioner/defendant is claiming to be in possession of an extent of 4 acres of the property.

5. The contention of the learned counsel for the petitioner is that the petitioner is in actual physical possession of the entire 4 acres of land.



6. Appreciating the said contention, this Court, vide interim order dated 22.11.2022, directed the parties to maintain status quo in respect of the suit schedule property, and the said interim order continues to remain in force. In view of the aforesaid order, I am of the considered view that it would be appropriate to direct the trial Court to dispose of the suit on merits, by directing the parties to maintain status quo with regard to the possession of the suit schedule property. Hence, I proceed to pass the following:

ORDER

- i. The writ petition is ***disposed of***.
- ii. The parties to the suit are directed to maintain status quo with regard to possession of the suit schedule property till disposal of the suit.
- iii. This Court has not expressed any opinion on the correctness of the impugned orders. All contentions are kept open.



CNR: KAHC010529232022

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W.P. No.23045/2022

- iv. The order to the extent of granting police protection is hereby set aside.
- v. The trial Court shall endeavor to dispose of the suit as expeditiously as possible.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 31