



CNR: KAHC010536132026

NC: 2026:KHC:43939
WP No. 24400 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 24400 OF 2026 (GM-CPC)

BETWEEN:

1. RANGAMMA
W/O B.G. THIMMANNA,
AGED ABOUT 73 YEARS,
AGRICULTURIST,
2. B. T. UMESHAGOWDA @ B.T.UMSESH
S/O B.G. THIMMANNA,
AGED ABOUT 47 YEARS,
AGRICULTURIST,
3. B.T.KRISHNE GOWDA,
S/O B.G. THIMMANNA,
AGRICULTURIST,
AGED ABOUT 46 YEARS,
4. SUNITHA,
W/O B.T.UMESHGOWDA @ B.T.UMESH,
AGED ABOUT 46 YEARS,
HOUSE HOLD WORK,
5. MOHAN GOWDA,
S/O B.T.UMESHGOWDA @ B.T.UMESH,
AGED ABOUT 27 YEARS,
AGRICULTURIST,
6. PUSHPA
W/O KRISHNEGOWDA,
AGED ABOUT 42 YEARS,
HOUSE HOLD WORK,
ALL ARE RESIDENTS OF

Digitally
signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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THIMMANAHALLY VILLAGE
JUNJARAGUNTE POST,
PARUSHURAMPURA HOBLI,
CHALLAKERE TALUK – 577 522

...PETITIONERS

(BY SRI. SIDDAPPA B. M., ADVOCATE)

AND:

B. G. THIMMANNA
S/O LATE BANDI GUJJARAPPA,
AGED ABOUT 73 YEARS,
AGRICULTURIST,
R/O THIMMANAHALLY VILLAGE,
JUNJARAGUNTE POST,
PARUSHURAMPURA HOBLI,
CHALLAKERE TALUK – 57522

...RESPONDENT

THIS W.P IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASHING THE
ORDER PASSED BY THE LEARNED PRL. CIVIL JUDGE AND JMFC
IN OS NO. 155/2023 I A NO. 04 DATED 24.09.2025 PRODUCED
AS ANNEXURE-G TO THE WRIT PETITION.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



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ORAL ORDER

The present writ petition is filed aggrieved by the order dated 24.09.2025 passed on I.A.No.4 in O.S.No.155/2023 by the Principal Civil Judge & JMFC, Challakere.

2. Defendant Nos.2 to 6 have filed an application under Section 10 of CPC with a prayer to stay the further proceedings of the present suit till disposal of RSA No.1246/2022.

3. It is a case that earlier in respect of the very same property, O.S.No.33/2016 was filed seeking partition. That came to be decreed. Against that an appeal was filed and court reversed the judgment and decree passed by the trial court. Against that RSA was filed and the same is pending consideration. In the meantime, the respondents herein filed O.S.No.155/2023 seeking an injunction. It is the case that the properties are one and the same. In those circumstances, unless and until the RSA is decided, the rights of the parties are not crystallized, the Court cannot deal with the suit for injunction. That came to be dismissed by the court by order impugned.



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4. While dismissing the application, the court observed that the parties to the suit admitted that RSA No.1246/2022 is pending between the plaintiff and defendants Nos. 2 and 3. Whereas, in the present suit, the plaintiff has sought relief against defendants Nos.1 to 6. Hence, the parties to the present suit are not the parties to RSA No.1246/2022. Further, in the present case, the plaintiff has sought a permanent injunction against the defendants to restrain them from interfering with the plaintiff's possession and enjoyment of the suit schedule property. However, RSA No.1246/2022 is pending in respect of the partition and separation of the suit schedule property. Hence, the matters in issue are different. It is not in dispute that the plaintiff filed the suit after the defendants initiated RSA No.1246/2022, and that RSA No.1246/2022 is pending. However, an appeal is a separate and distinct legal proceeding from the suit and cannot be considered a previously instituted suit. The Court is of the opinion that none of the conditions are fulfilled for considering the application under Section 10 of the CPC, and accordingly dismissed the application.



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5. Learned counsel appearing on behalf of the petitioners submits that, the appeal is nothing but continuation of the suit proceedings and the trial Court has failed to appreciate the scope of Section 10 of the CPC and if the suit proceeds pending disposal of the RSA it would cause lot of prejudice to the petitioners and there is every likelihood of conflicting orders from two Courts and all these aspects were not appreciated by the trial Court.

6. Having heard the learned counsel appearing on behalf of the petitioner and perused the material on record. There is no dispute about the pending proceedings. When the RSA was pending, the present suit, O.S.No.155/2023, was filed. In O.S.No.155/2023, the plaintiff has narrated the earlier litigations. The grievance of the petitioner/plaintiff in O.S.No.1252023 is that during the pendency of the said proceedings, the respondents are attempting to interfere with the plaintiff's peaceful possession and enjoyment, and the plaintiff sought an injunction. In the considered opinion of this Court, the RSA and the suit are two distinct and separate reliefs, and there is no difficulty in proceeding with both the suit



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and the RSA by the court. In that view of the matter, this Court do not find any reason to interfere. Accordingly, 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**

PKN
List No.: 1 Sl No.: 35