



CNR: KAHC010541902022

NC: 2026:KHC:44354
W.P. No.23693/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 18TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.23693/2022 (GM-CPC)

BETWEEN:

1. SRI. NAGARAJAPPA
S/O LAKSHMANAPPA BELAGUTHI
AGED ABOUT 55 YEARS.
2. MR. PAVAN
S/O SRI. NAGARAJAPPA
AGED ABOUT 28 YEARS.

NO.1 & 2 ARE R/AT 17-136(5)
SAPTAGIRI NILAYA
GREEN PARK LAYOUT
NEAR MAHAVEER COLLEGE
MUDABIDRE
DAKSHINA KANANDA DISTRICT
PINCODE 574 227

AND ASLO RESIDENTS
OF HITHALA VILLAGE
SHIKARIPURA TALUK
SHIVAMOGGA DISTRICT.

3. SRI. BASAVARAJAPPA
S/O LAKSHMANAPPA BELAGUTHI
AGED ABOUT 55 YEARS
R/O MAIN ROAD
HITHALA VILLAGE
SHIKARIPURA TALUK
SHIVAMOGGA DISTRICT.

Digitally signed
by RUPA V
Location: HIGH
COURT OF
KARNATAKA



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4. SARVESHAPPA
S/O HUCHRAYAPPA
AGED 70 YEARS.

5. SUMMEETH
S/O SARVESHAPPA
AGED 30 YEARS.

NO.4 & 5 ARE R/AT
MADIVALA BEEDI
HITHALA VILLAGE
SHIKARIPURA TALUK
SHIVAMOGGA DISTRICT-577214.

...PETITIONERS

(BY SRI. DAYALU K.N. ADV.,)

AND:

1. B. MANJAPPA
S/O SHANKARAPPA
AGED 62 YEARS.

2. PALAKSHAPPA
S/O SHANKARAPPA
AGED 55 YEARS.

BOTH ARE R/AT
HITHALA VILLAGE
SHIKARIPURA TALUK
SHIVAMOGGA DISTRICT-577214.

...RESPONDENTS

(BY SRI. BINBADHAR M. GOWDAR, ADV., FOR C/R1 & R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE
ORDER DTD.10.11.2022 PASSED IN MA 14/2022 ON THE FILE
OF THE SR. CIVIL JUDGE AND JMFC SHIKARIPURA I,E.
ANNEXURE-AD BY DISMISSING THE SAID APPEAL & 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 writ petition is filed challenging the order dated 10.11.2022 passed in M.A.No.14/2022 by the Senior Civil Judge and JMFC, Shikaripura (for short, '***the Appellate Court***').

2. Heard Sri.K.N.Dayalu, learned counsel appearing for the petitioners and Sri.Bimbadhar M.Gowdar, learned counsel appearing for the respondents and perused the material available on record.

3. The respondents-plaintiffs have filed the suit in O.S.No.241/2021 against the petitioners-defendants seeking the relief of injunction. In the said suit, the petitioners filed detailed written statement denying the plaint assertion. The trial Court considered the



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respondents-plaintiffs' application filed under Order XXXIX Rule 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908, (for short, '**the CPC**') and rejected the same vide order dated 01.04.2022. The respondents-plaintiffs assailed the said order before the Appellate Court in M.A.No.14/2022. The Appellate Court, under the impugned order, allowed the appeal by setting aside the order of the trial Court and granted an order of temporary injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit schedule property by the plaintiffs till the disposal of the suit. This petition is filed challenging the said order of the Appellate Court.

4. It is to be noticed that this Court considering the submissions and the grounds urged, vide order dated 12.12.2022 has directed the parties to maintain *status quo* with regard to the possession and enjoyment of the suit



schedule property and the said interim order granted by this Court is operating till this day.

5. It is required to be further noticed that the suit in O.S.241/2021 is pending adjudication and the parties are required to adduce the evidence and in view of the pendency of this writ petition from 2022, the suit has not proceeded further. Therefore, I am of the view that ends of justice would be met if the parties are directed to maintain *status quo* with regard to the possession and enjoyment of the suit schedule property till the disposal of suit in O.S.No.241/2021 by the trial Court. Hence, I proceed to pass the following:

ORDER

The writ petition is ***disposed of*** without expressing any opinion on the merits and correctness of the impugned order of the Appellate Court by directing the parties i.e. plaintiffs and defendants, to maintain *status quo* with regard to



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the possession and enjoyment of the suit schedule
property till the disposal of the suit in
O.S.No.241/2021.

No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR
List No.: 1 Sl No.: 33