



CNR: KAHC010640122026

NC: 2026:KHC:52243
WP No. 29295 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 29295 OF 2026 (GM-CPC)

BETWEEN:

1. SRI.V.ASHWATH REDDY
S/O LATE. VENKATA REDDY
AGED ABOUT 58 YEARS,
R/AT HOUSE NO.102,
RAMAIAH REDDY COMPOUND,
8TH CROSS, KODIHALLI,
HALASURU POST,
H.A.L. 2ND STAGE,
BANGALORE NORTH,
BANGALORE -560008.

...PETITIONER

(BY SRI. SAMPATH A., ADVOCATE)

AND:

1. SRI.PAPANNA
S/O LAGE. GANGAPPA,
AGED ABOUT 50 YEARS,
R/AT HULIKUNTE VILLAGE,
D.PALYA HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT.

...RESPONDENT

(BY SRI. SANNAKKI UDAY KUMAR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 11.08.2026 PASSED BY THE LEARNED SENIOR CIVIL JUDGE AND JMFC GOWRIBIDANUR IN MA NO. 5/2026.

Digitally
signed by
VINISHA B S
Location:
High Court of
Karnataka



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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

Heard Sri.A. Sampath, learned counsel for the petitioner
and Sri. Sannakki Uday Kumar, learned counsel for the
respondent.

2. The present petition is filed impugning the order
dated 11.08.2026 passed in M.A. No.5/2026. The petitioner
herein filed O.S. No.36/2026 seeking the relief of injunction,
along with an application under Order XXXIX Rules 1 and 2
read with Section 151 of the Code of Civil Procedure, 1908 (for
short, 'CPC'). The trial Court, by order dated 24.02.2026,
allowed the said application and restrained the defendants
therein from interfering with the peaceful possession and
enjoyment of the suit schedule property. Aggrieved by the said
order, the respondent herein preferred an appeal under Order
XLIII Rule 1(r) of the CPC, wherein the First Appellate Court, by
the impugned order, set aside the order of injunction granted
by the trial Court on 24.02.2026.



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3. Learned counsel appearing for the petitioner submits that the petitioner purchased the property in question during the pendency of the partition suit in O.S. No.79/2013, wherein the vendor is arrayed as defendant No.4. It is submitted that the total extent of the property involved in the partition suit is 5 acres 20 guntas, whereas the purchase made by the petitioner is only to an extent of 1 acre 1.08 guntas. It is further submitted that, even if the partition suit is decreed, the extent of land purchased by the petitioner would be confined to the share of the vendor. It is also submitted that an order of *status quo* is operating in O.S. No.79/2013 and, therefore, a similar order may be passed in the present case.

4. Per contra, learned counsel appearing for the caveator/respondent submits that the purchase made by the petitioner was during the pendency of the suit and in violation of the interim order then in operation. It is submitted that, when the sale deed itself is invalid, the question of granting an injunction against the respondent does not arise. However, learned counsel fairly submits that, in O.S. No.79/2013, the petitioner has been impleaded as a defendant and that the



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interim order of *status quo* operating therein would equally bind the petitioner herein.

5. Considered the submissions made by learned counsel appearing for the parties.

6. The aforesaid events are not in dispute. It is not in dispute that the petitioner purchased the property in question during the pendency of the partition suit in O.S. No.79/2013 from defendant No.4 therein. The total extent of the property involved in the partition suit is 5 acres 20 guntas, whereas the extent purchased by the petitioner is only 1 acre 1.08 guntas.

7. The First Appellate Court, in paragraph No.25, has recorded that the purchase made during the pendency of the litigation would not, by itself, render the transaction invalid. However, the rights of the purchaser would be confined to the share ultimately declared in favour of the vendor in the pending partition suit. Even if the purchase is made during the pendency of the suit and in violation of the interim order, any share that may not ultimately be allotted to defendant No.4 therein would enure to the benefit of the plaintiff. As rightly



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submitted, in view of the interim order of *status quo* operating in the partition suit, the same would equally apply to the present case in respect of the suit schedule property.

8. In that view, the following:

ORDER

- (i) The order dated 11.08.2026 is hereby set aside.
- (ii) The order dated 24.02.2026 in O.S. No.36/2026 is confirmed. However, the same is modified directing both the parties to maintain status quo insofar as possession and entitlement, till the disposal of O.S. No.79/2013.
- (iii) O.S. No.79/2013 is a suit for partition and, even after more than 13 years, is still at the stage of recording the evidence of the plaintiffs. This Court finds no justifiable reason for such an inordinate delay in the progress of the suit. The trial Court is, therefore, directed to dispose of O.S. No.79/2013 expeditiously.

**Sd/-
(K. V. ARAVIND)
JUDGE**