



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 38903 OF 2025 (GM-CPC)

BETWEEN:

1. SRI NAGARAJA
AGED ABOUT 50 YEARS
S/O DODDARAMAIAH,
RESIDING AT NAMBIHALLI VILLAGE,
KASABA HOBLI,
SRINIVASAPURA TALUK - 563135

...PETITIONER

(BY SRI. HEGDE S. RAMAKRISHNA, ADVOCATE)

AND:

1. SRI K A DILEEP KUMAR
AGE ABOUT 26 YEARS,
S/O V ANJAPPA,
R/AT KAMBALAPALLI VILLAGE
HARIKUNTE POST,
RONURU HOBLI,
SRINIVASAPURA TALUK,
KOLAR DISTRICT - 563135.
2. SMT. K A PALLAVI
AGE ABOUT 30 YEARS
D/O V ANJAPPA,
R/AT PULUGURAKOTE VILLAGE,
NELAVANKI HOBLI,
SRINIVASAPURA TALUK
KOLAR DISTRICT - 563135.

Digitally signed by
DHANAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



3. SRI N M RAMALINGAPPA
AGE ABOUT 40 YEARS
S/O LATE MUNIYAPPA
R/AT NAMBIHALLI VILLAGE,
KASABA HOBLI,
SRINIVASAPURA TALUK
KOLAR DISTRICT - 563135.

...RESPONDENTS

(BY SRI. GOWHAR UNNISA, ADVOCATE FOR R1 AND R2;
R3 - SERVICE OF NOTICE IS DISPENSED WITH
VIDE ORDER DATED 06.04.2026)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN
THE NATURE OF CERTIORARI OR ANY OTHER WRIT BY
SETTING ASIDE THE IMPUGNED ORDER DATED 19.12.2025 ON
IA NO.4 UNDER ORDER 151 CPC, PASSED BY THE C/C, I ADDL.
CIVIL JUDGE AND JMFC SRINIVASAPURA, IN O.S.NO.360/2025,
(ANNEXURE-A), IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner-defendant No.2
has called in question the order dated 19.12.2025 passed
by the C/c 1st Additional Civil Judge and JMFC, Srinivasapur
(for short 'Trial Court') on I.A.No.4 filed by the plaintiffs



under Section 151 of CPC in O.S.No.360/2025, whereby the said application has been allowed.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. The plaintiffs filed a suit in O.S.No.360/2025 before the Trial Court seeking for relief of partition & separate possession, declaration and permanent injunction in respect of suit schedule property bearing Survey No.5/2 situated at Nambhihalli Village, Kasaba Hobli, Srinivasapura Taluk, measuring 4½ guntas. Along with the suit, plaintiff filed an application i.e., I.A.No.1 under Order XXXIX Rule 1 and 2 of CPC seeking an order of temporary injunction. After issuance of suit summons, the defendants appeared and filed written statement. Thereafter, the Trial Court, by order dated 01.09.2025 has allowed the application filed by the plaintiffs under Order XXXIX Rule 1 and 2 of CPC and granted an order of temporary injunction



restraining the defendants, their agents, their family members, attorney holders or any persons claiming through them from putting up any further construction in the suit schedule property i.e., Sy.No.5/2 till the disposal of the suit, for the reason that it is unclear whether the property bearing No.472 upon which construction is being put up is a part of Sy.No.4 or Sy.No.5/2 and that the same cannot be determined unless a full fledged trial is conducted. On the basis of the pleadings of the parties, the Trial Court framed issues. The matter has been set down for evidence. In the meanwhile, the plaintiffs have filed I.A.No.4 under Section 151 of CPC seeking for police protection to implement the aforesaid order of temporary injunction. The Trial Court, by impugned order, has allowed the application. Aggrieved by the said order, the defendant No.2 is before this Court.

4. The only grievance of the petitioner-defendant No.2 is that the application for temporary injunction has been



sought only in respect of Survey No.5/2 and the Trial Court has allowed the said application and granted an order of temporary injunction. But the impugned order dated 19.12.2025 has been passed granting police protection in respect of both Survey No.4 and Survey No.5/2. Therefore, this Court, by order dated 23.12.2025, granted an interim stay of the impugned order insofar as it relates to Survey No. 4. The order dated 23.12.2025 reads as follows:

"ORDER

Heard learned counsel for petitioner.

Issue notice to the respondents.

In addition to regular service, learned counsel for petitioner is permitted to take out notice on the learned counsel representing the respondents before the trial Court.

There shall be stay of the impugned order dated 19.12.2025 passed on I.A.No.4 in O.S.No.360/2025 by I Additional Civil Judge and JMFC, Srinivasapura, so far as it relates to



*survey No.4 of Nambihalli Village, Kasaba Hobli,
Srinivaspur Taluk is concerned.*

Hand delivery of this order is permitted."

5. Learned counsel appearing for the respondents Nos.1 and 2-plaintiffs has submitted that the matter is set down for evidence of the parties. Therefore, the Trial Court may be directed to dispose of the suit as expeditiously as possible. Till then, the interim order granted by this Court may be continued.

6. Having regard to the facts and circumstances of the case, and without expressing any opinion on the merits of the matter, this Court deems it appropriate to dispose of the writ petition with a direction to the Trial Court to dispose of the suit as expeditiously as possible.

7. Accordingly, the following order is passed:

ORDER

a) The writ petition is **disposed of**.



- b) The Trial Court is directed to dispose of the suit in accordance with law and as expeditiously as possible, not later than eight months from the date of receipt of certified copy of this order, provided there is no order of stay of the said proceedings granted by any Court of law.
- c) Till the disposal of the suit by the Trial Court, the interim order dated 23.12.2025 granted by this Court shall continue to operate.
- d) Parties are directed to co-operate for early disposal of the suit.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

DM
List No.: 1 Sl No.: 69