



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 9TH DAY OF JANUARY, 2024

BEFORE

THE HON'BLE MS. JUSTICE JYOTI MULIMANI

WRIT PETITION NO.202222 OF 2021 (GM-CPC)

BETWEEN:

RAMESH S/O SHANKREPPA MARGOL,
AGE: 51 YEARS, OCC: BUSINESS,
R/O VILLAGE MARGOL,
TQ: CHITTAPUR, DIST: KALABURAGI.

...PETITIONER

(BY SRI. SHIVANAND PATIL., ADVOCATE)

AND:

1. MINAPPA S/O SHIVARAYA RAIKODI,
AGE: 45 YEARS, OCC: AGRICULTURE,
R/O KALBENOOR VILLAGE,
TQ. AND DIST. KALABURAGI - 585 106.
2. SHARANAPPA S/O SHIVARAYA RAIKODI,
AGE: 42 YEARS, OCC: AGRICULTURE,
R/O KALBENOOR VILLAGE,
TQ: AND DIST: KALABURAGI-585 106.
3. JAGANNATH S/O SHIVARAYA RAIKODI,
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O KALBENOOR VILLAGE,
TQ: AND DIST: KALABURAGI - 585 106.
4. LAXMAN S/O SHIVARAYA RAIKODI,
AGE: 32 YEARS, OCC: AGRICULTURE,
R/O KALBENOOR VILLAGE,
TQ: AND DIST: KALABURAGI - 585 106.



5. AMBARAYA S/O SHIVARAYA RAIKODI,
AGE: 30 YEARS, OCC: AGRICULTURE,
R/O KALBENOOR VILLAGE,
TQ: AND DIST: KALABURAGI-585 106.

...RESPONDENTS

(BY SRI. GANESH.S.KALABURAGI., ADVOCATE FOR R1 TO R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN
RELIEFS.

THIS WRIT PETITION IS COMING ON FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE
FOLLOWING:

ORDER

Sri.Shivanand Patil., learned counsel for the petitioner
and Sri.Ganesh S.Kalaburgi., learned counsel for the
respondents have appeared in person.

2. The brief facts are these:

The plaintiffs filed a suit on the file of Prl. Civil Judge and
J.M.F.C., Kalaburagi in O.S.No.266/2020. During the pendency
of the suit, they also moved an application under Order 39 rule
1 & 2 of CPC for an order of temporary injunction. The Trial
Court vide order dated:18.12.2020 rejected the application.
The plaintiffs assailed the rejection order before the Appellate



Court in M.A.No.2/2021. The Appellate Court vide order dated:02.09.2021 allowed the application and granted an order of injunction. It is this order that is called into question in this Writ Petition on several grounds as set-out in the Memorandum of Writ Petition.

3. Learned counsel for the petitioner and the respondents have urged several contentions. Heard, the contentions urged on behalf of the respective parties and perused the Writ papers with utmost care.

4. Learned counsel for the petitioner and respondents jointly submits that this Court vide order dated:26.11.2021 directed the parties to maintain *status quo* in respect of 06 Acres 17 Guntas of land in Sy.No.72 situated at Kalbenoor Village, Kalaburagi Taluk and District bounded by East: land of Jamagi Gouda, West: land of Shivaraya, North: land of Gundappa and South: land of Shivaraya.

Counsel further submits that the interim order of *status quo* granted by this Court shall continue to operate till the disposal of the Original Suit. Accordingly, Writ Petition may be disposed of.



The oral submission made on behalf of learned counsel for the respective parties is placed on record.

5. The Writ Petition is ***allowed***. The order dated: 02.09.2021 passed by the Prl.Senior Civil Judge & CJM, Kalaburagi in M.A.No.02/2021 vide Annexure-E is quashed.

The Interim order of *status quo* granted by this Court on 26.11.2021 shall continue to operate till the disposal of the Original Suit in No.266/2020. The Prl. Civil Judge & JMFC., Kalaburagi is directed to dispose of the Original Suit as expeditiously as possible.

In view of disposal of the Writ Petition, pending Interlocutory applications, if any are disposed of.

Needless to observe that this Court has not expressed any opinion on the merits of the case.

Sd/-
JUDGE

TKN
List No.: 2 Sl No.: 24