IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 727 OF 2024 (GM-CPC)

BETWEEN:

SRI. RANGASWAMAIAH
@ RANGASHAMAIAH,
S/O LATE KEMPANNA,
AGED ABOUT 62 YEARS,
AGRICULTURIST,
R/O KARIKERE VILLAGE,
KORA HOBLI – 572 212,
TUMKUR TALUK.

...PETITIONER

(BY SRI. V F KUMBAR, ADVOCATE)

AND:

Digitally signed by
JAI JYOTHI J
Location: HIGH
COURT OF
KARNATAKA

SMT. SIDDAGANGAMMA
W/O LATE SHIVANNA
D/O SHIVANANJAPPA
AGED ABOUT 67 YEARS,
R/O KARIKERE VILLAGE,
KORA HOBLI – 572 212
TUMKUR TALUK.

...RESPONDENT

(BY SRI. KISHAN G S, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI, QUASHING THE ORDER PASSED BY THE LEARNED 2ND ADDITIONAL SENIOR CIVIL JUDGE AND CJM AT TUMKUR IN MISCELLANEOUS APPEAL NO.75/2022 DATED 17.08.2023, VIDE AT ANNEXURE-H; AND ETC.

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

CORAM: **HON'BLE MS. JUSTICE TARA VITASTA GANJU**

ORAL ORDER

1. The challenge in the present petition is to an order dated 30.09.2022, passed by the 2nd Additional Civil Judge and JMFC, Tumkur in O.S.No.499/2022 [hereinafter referred to as the 'Impugned Order'] in an application filed under Order 39, Rule 1 and 2 of the Code of Civil Procedure, 1908 [hereinafter referred to as the 'CPC'] by the respondent / counter-claimant / defendant. By the Impugned Order, the application was allowed. The appeal filed challenging this order dated 30.09.2022 [hereinafter referred to as the "Impugned Order"], before the Appellate Court being Miscellaneous Appeal No.75/2022 was also dismissed on 17.08.2023 [hereinafter referred to as the "Appellate Court Order"].

2. Brief facts of the case in a nutshell as has been recorded by the concurrent findings of the Court is that the challenge in the present case is to a property bearing

approximately 3 acres, 3 guntas situated at Karikere Village, Kora Hobli, Tumkur Taluk [hereinafter referred to as the 'suit land']. It is the case of the petitioner/plaintiff that he owns the entire 3 acres of the suit land and has filed a suit for declaration and injunction. The case of the respondent / counter-claimant / defendant is that 1 acre and 15 guntas of the said land are in the ownership and possession of the defendant.

3. The learned Trial Court and the learned Appellate Court has after examining the documents, filed by the counter-claimant (which are also more specifically reproduced in paragraph No.13 of the order dated 30.09.2022) has given a finding at paragraph No.17 that the respondent / counter-claimant has made out a prima-facie case for grant of a Temporary Injunction. Thus, an injunction was granted to an extent of 1 acres, 15 guntas of the suit land stating that the plaintiff is restrained from interfering with the peaceful possession of the defendant of 1 acre, 15 guntas of the suit land.

4. The parties have been briefly heard. It is not disputed by the parties that as of now the trial has not taken place and grant of relief in this case could only be granted after a full-fledged trial. It is also not disputed by the parties, that in the meantime, the interest of both the parties need to be protected till the disposal of the suit.

5. Learned counsel for the petitioner submits that he would make appropriate application for direction of the status-quo, *qua* the title and possession of the suit schedule property to an extent of the suit land that is undisputed.

6. Learned counsel for the respondent submit that in any event he has no intention to sell 1 acre, 15 guntas of the suit land during the pendency of the trial.

7. Accordingly, and in view of the statement made by both the learned counsel for the parties, this petition is ***disposed of*** granting liberty to the petitioner to make an appropriate application in terms of what has been stated above before the learned Trial Court.

8. The learned Trial Court shall hear and dispose of the matter in accordance with law.

9. It is clarified that this Court is not setting-aside or interfering with the Impugned Orders passed by the learned Trial Court, but is permitting the petitioners to file an additional application for securing his rights in the suit property.

10. The rights and contentions of both the parties are left open, to be agitated before the learned Trial Court.

11. Both the parties submit that they will not take any unnecessary adjournments before the learned Trial Court. The parties are bound by the statement made by their counsel today before this Court.

12. This Petition is accordingly ***disposed of***. All pending applications, if any, stand closed.

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

JJ
List No.: 1 Sl No.: 40.1