HC-KAR

NC: 2026:KHC:61470
WP No. 2095 of 2024

CNR: KAHC010023142024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 2095 OF 2024 (GM-CPC)

BETWEEN:

SRI. PRAVEENA
S/O LATE JINNAPPAGOWDA,
AGED ABOUT 43 YEARS,
R/AT. KARIYANELA HOUSE,
KALMANJA VILLAGE AND POST,
BELTHANGDAY TALUK,
D.K-574 228.

...PETITIONER

(BY SRI. RAJARAMA.S., ADVOCATE)

AND:

1. SRI. LINGAPPAGOWDA
S/O. CHANNAGOWDA,
AGED ABOUT 66 YEARS,
R/AT. BALTHIMAR HOUSE,
KOKADA VILLAGE AND POST,
BELTHANGDAY TALUK,
D.K-574 228.

2. SRI. SUNDAR GOWDA
S/O. LINGAPPAGOWDA,
AGED ABOUT 35 YEARS,
R/AT. BALTHIMAR HOUSE,
KOKADA VILLAGE AND POST,
BELTHANGDAY TALUK,
D.K-574 228.

3. SRI. MOHAN KUMAR.B.A.
S/O. ADAPPA GOWDA,

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

AGED ABOUT 35 YEARS,
R/AT. BANDRAJALU HOUSE,
KALMANJA VILLAGE AND POST,
BELTHANGDAY TALUK,
D.K-574 228.

…RESPONDENTS

(BY SRI. SACHIN.B.S., ADVOCATE FOR R1 TO R3)

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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 26/05/2023 IN MA NO.06/2023 AND MA NO.07/2023 C/W MA NO.05/2023 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT BELTHANGADY, DK. VIDE ANNEXURE-A.

THIS WRIT 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. On the last date of hearing, the following order was passed:

> "1. The challenge in the present petition is to the concurrent findings of the courts in an application under Order 39, Rule 1 and 2 of the Code of Civil Procedure, 1908 for grant of temporary injunction.
>
> 2. Learned counsel for the respondent submits that the orders were passed 3 1/2 ago. He submits that since then, the matter is proceeded and evidence has been concluded and the matter is now listed for Final Arguments before the learned Trial Court on 17.11.2026. Learned counsel thus submits that the matter will soon be finally decided, and that this petition has become infructuous.

3. Learned counsel for the petitioner requests for a day's accommodation to check these and file an appropriate memo.

4. List this petition on 05.11.2026."

2. The learned counsel for the petitioner has, today, filed a memo, stating that the respondents/defendants may alienate the property by way of transferring the suit property to a third party, in the meantime.

2.1 The learned counsel for the petitioner, however, does not dispute that the case is listed for final arguments and that after final arguments are concluded, this petition will become infructuous.

3. The learned counsel for the respondents submits that there is an *ex-parte* injunction order, against the respondents, which is operating.

4. Given that the matter is scheduled for final arguments, this petition is ***disposed of,*** granting the liberty to the petitioner to revive this petition, in the

event that the matter is not disposed of in the next two months. All pending applications stand closed.

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

(TARA VITASTA GANJU)
JUDGE

BMV*
List No.: 2 Sl No.: 3