**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 2ND DAY OF APRIL, 2026**

**BEFORE**

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

**WRIT PETITION NO. 5379 OF 2026 (GM-CPC)**

**BETWEEN:**

1. SMT SHALINI
   W/O. LATE SHEENA POOJARY,
   AGED ABOUT 48 YEARS,
   RESIDING AT NADILLADE HOUSE,
   NALLURU VILLAGE, KARKALA TALUK,
   UDUPI DISTRICT - 574 104.

2. SMT. SUPRIYA
   D/O. LATE SHEENA POOJARY,
   AGED ABOUT 29 YEARS,
   RESIDING AT NADILLADE HOUSE,
   NALLURU VILLAGE, KARKALA TALUK,
   UDUPI DISTRICT - 574 104.

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Location: HIGH COURTOF KARNATAKA

3. SMT. BHAGYASHREE
   D/O. LATE SHEENA POOJARY,
   AGED ABOUT 27 YEARS,
   RESIDING AT NADILLADE HOUSE,
   NALLURU VILLAGE, KARKALA TALUK,
   UDUPI DISTRICT - 574 104.

4. SRI. SHASHIKIRAN
   S/O. LATE SHEENA POOJARY,
   AGED ABOUT 29 YEARS,
   RESIDING AT NADILLADE HOUSE,

NALLURU VILLAGE, KARKALA TALUK,
UDUPI DISTRICT - 574 104.

…PETITIONERS

(BY SRI. ARVINDA S., ADVOCATE)

**AND:**

SRI ACHA POOJARY
S/O. AMMU POOJARY,
AGED ABOUT 66 YEARS,
RESIDING AT GAUNARMENT,
NARAVI VILLAGE, BELTHANGADY TALUK,
DAKSHINA KANNADA DISTRICT - 574 214

…RESPONDENT

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE IMPUGNED JUDGMENT DATED 07.06.2023 PASSED IN M.A. NO. 04/2022 BY THE COURT OF THE PRL. SENIOR CIVIL JUDGE AND J.M.F.C., BELTHANGADY (PRODUCED HEREIN AS ANNEXURE-A), AND ETC.

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

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

**ORAL ORDER**

In this writ petition, the petitioner/defendant Nos. 4-7 have called in question the order dated 07.06.2023

passed by Prl. Senior Civil Judge and J.M.F.C., Belthangady, D.K. (the 'Appellate Court' for short) in M.A.No.4/2022, whereby the order dated 04.04.2022 granting a temporary injunction passed by the learned Additional Civil Judge and JMFC, Belthangady (the 'Trial Court' for short) in O.S.No.164/2021 on I.A.No.II filed under Order XXXIX Rules 1 and 2 read with Section 151 of CPC has been confirmed.

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

3. The plaintiff has filed a suit in O.S.No.164/2021 for partition and separate possession and has also filed an application i.e., I.A.No.II under Order XXXIX Rules 1 and 2 read with Section 151 of CPC seeking injunction against the defendants to not alienate the suit schedule property. The Trial Court by an order dated 04.04.2022 allowed the said application. Being aggrieved by the same, the

petitioners herein filed an appeal before the Appellate Court in M.A.No.4/2022. The Appellate Court by impugned order dated 07.06.2023 confirmed the said order of the Trial Court.

4. Since the suit is for partition, the Trial Court after considering the material available on record has rightly granted the order of temporary injunction, restraining the petitioners herein from alienating the suit schedule property. This Court is of the opinion that, there is no error or illegality in the order passed by the Trial Court.

5. Learned counsel for the petitioners submitted that the respondent/plaintiff is not allowing the petitioners to enter into the shops by taking advantage of the said impugned order.

6. If that is the case, then the petitioners have to work out their remedy in accordance with law. Insofar as the present case is concerned, the issue involved is related

to granting of an order of temporary injunction, by the Trial Court, directing the petitioners/defendant Nos.4-7 not to alienate the suit schedule property.

In view of the above, the writ petition is ***dismissed***.

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

PSJ
List No.: 1 Sl No.: 11