NC: 2026:KHC:21851
WP No. 7865 of 2026

HC-KAR

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

**DATED THIS THE 21ST DAY OF APRIL, 2026**

**BEFORE**

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

**WRIT PETITION NO. 7865 OF 2026 (GM-CPC)**

**BETWEEN:**

S M MARULASIDDAPPA
S/O. LATE MUDDAPPA
AGED ABOUT 64 YEARS,
RESIDING AT NO. 1376,
10TH MAIN, 9TH BLOCK,
VINAYAKA LAYOUT,
NAGARABHAVI,
BENGALURU - 560 072.

...PETITIONER

(BY SRI. A.V. GANGADHARAPPA, ADVOCATE)

**AND:**

NATARAJA
S/O M.B. ANANTHARAJASHETTY,
AGED ABOUT 55 YEARS,
BERGER PAINTS, SKPT ROAD,
TIPTUR CITY,
TUMAKURU DISTRICT - 572 201.

...RESPONDENT

(BY SRI. HALESHA R. GAVIMATH, ADVOCATE
SRI.SURESH M., ADVOCATE FOR C/R IN C.P.NO.5944/2026)

Digitally signed by DHANALAKSHMI MURTHY
Location: HIGH COURTOF KARNATAKA

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT

OR ORDER, QUASHING THE ORDER DATED 25/2/2026 PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT TIPTUR IN M.A. NO.5/2025, CERTIFIED COPY OF WHICH IS PRODUCED AS ANNEXURE-Q AND THEREBY RESTORE THE ORDER DATED 3/7/2025 PASSED BY THE COURT OF THE ADDITIONAL CIVIL JUDGE AND JMFC AT TIPTUR ON I.A. NOS.II AND X IN O.S.NO.580/2021 TRUE COPIES OF WHICH ARE PRODUCED AS ANNEXURES-M AND N RESPECTIVELY.

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**

1. In this writ petition, the petitioner has called in question the order dated 25.02.2026 passed by the Senior Civil Judge and J.M.F.C., Tiptur (for short 'First Appellate Court'), in M.A.No.5/2025, whereby the order dated 03.07.2025 passed by the Additional Civil Judge and JMFC, Tiptur (for short 'Trial Court') on I.A. Nos.II and X in O.S.No.580/2021 has been set aside.

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

3. Petitioner/plaintiff has filed a suit for injunction. Along with the plaint, the plaintiff has filed an application I.A.No.II under Order XXXIX Rule 1 and 2 read with Section 151 of CPC. The Trial Court, by order dated 03.07.2025 has passed an order of ex-parte temporary injunction. Upon appearance, the defendant has filed an application for vacating the said ex-parte interim order. The Trial Court appointed a Court Commissioner, who has submitted a report. On the basis of the said Court Commissioner's report, the Trial Court by order dated 03.07.2025 confirmed its ex-parte injunction order directing the parties to maintain *status-quo* and I.A.No.X filed under Order XXXIX Rule 4 read with Section 151 of CPC filed by the respondent/defendant for vacating the ex-parte injunction was rejected.

4. Being aggrieved by the same, the respondent herein filed M.A.No.5/2025 before the Senior Civil Judge & JMFC., Tiptur. The First Appellate Court by order dated 25.02.2026 passed the impugned order allowing the appeal and setting aside the order dated 03.07.2025 passed by the Trial Court. Being aggrieved by the same, the petitioner/plaintiff is before this Court.

5. Heard the learned counsel appearing for the parties and perused the writ papers.

6. The Trial Court has granted an order of *status-quo* upon obtaining the Court Commissioner's report. The said report clearly states that, the property in Item No.3 shown as Sy.No.200/4 belongs to the defendant. Therefore, the order passed by the First Appellate Court is modified to the effect that, the respondent/defendant is permitted to put up construction in Sy.No.200/4 and insofar as the remaining portions of the suit schedule property are concerned, the parties are directed to

maintain *status-quo*. To that effect, the order passed by the First Appellate Court stands modified.

7. Accordingly, the following order is passed:

ORDER

(i) The writ petition is **disposed of.**

(ii) The order dated 25.02.2026 passed by the Senior Civil Judge and J.M.F.C., at Tiptur in M.A.No.5/2025 is modified as above.

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

PSJ
List No.: 1 Sl No.: 9