CNR: KAHC010204582024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 10539 OF 2024 (GM-CPC)

BETWEEN:

DINESH.B
S/O NEELAPPA,
AGED ABOUT 58 YEARS,
RES/AT NAVEENA NILAYA,
BAPPALIGE, PUTTUR KASABA VILLAGE,
PUTTUR TALUK, D.K-574 201.

...PETITIONER

(BY SRI. KRISHNAMOORTHY.D., ADVOCATE)

AND:

N.K.JAGANNIVAS RAO
S/O LATE N.S.KRISHNAYYA,
AGED ABOUT 68 YEARS,
RES/AT NATTOJI JOUSE, BAPPALIGE,
PUTTUR KASABA VILLAGE,
PUTTUR TALUK, D.K-574 201.

...RESPONDENT

(BY SRI. CHANDRANATH ARIGA.K., ADVOCATE)

Digitally signed by SUMATHY KANNAN
Location: HIGH COURT OF KARNATAKA

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS AND ON EXAMINATION OF THE SAME BE PLEASED TO QUASH THE ORDER IMPUGNED DATED 18/03/2024 PASSED BY THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC AT PUTTUR, D.K. IN MA 09/2023 PRODUCED AT ANNEXURE-G AND ALLOW THE WP.

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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 present petition seeks to challenge an order dated 18.03.2024, passed by the Principal Senior Civil Judge And JMFC at Puttur, D.K., in M.A.No.09/2023 [hereinafter referred to as the "Impugned Order"]. By the Impugned Order, the learned Appellate Court set aside the order passed by the learned Trial Court on 24.02.2023.

2. By an order dated 24.02.2023, an application in I.A.No.2 filed by the plaintiff under Order 39, Rule 1 and 2 of the Code of Civil Procedure, 1908 [hereinafter referred to as "the CPC"] was rejected and the parties were directed to maintain *status-quo* in the matter.

3. After some arguments, learned counsel for the petitioner submits on instructions, that with a view to expedite the proceedings before the learned Trial Court,

the petitioner would be willing to give an undertaking before the learned Trial Court that he would not interfere with the possession of the suit schedule property as is set out in the plaint, under the disposal of the suit.

4. Learned counsel for the respondent on instructions submits that given this contention, the petition can be disposed of directing that the undertaking by way of an affidavit be filed on the next date of hearing before the learned Trial Court.

5. Given the consensus between the parties and in the interest of expediency, this Court deems it apposite to ***dispose of*** this petition in the aforegoing terms.

6. It is clarified that this Court has not examined the matter on merits. The rights and contentions of both parties are left open to be agitated before the learned Trial Court. The findings, if any, in the Appellate Court's order

shall also not come in the way of the proceedings before the Trial Court.

7. Learned counsel for both the parties submit that the parties will not take any unnecessary adjournments before the Trial Court. The parties are bound down by the statement made by their counsel today.

8. All pending applications stand closed.

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

(TARA VITASTA GANJU)
JUDGE

JJ
List No.: 1 Sl No.: 34