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. 16875 OF 2024 (GM-CPC)

BETWEEN:

SRI. CHANDRAPPA
S/O KASTHURI GANGANNA,
AGED ABOUT 52 YEARS,
R/AT KURUVANKA VILLAGE,
BANAVARA HOBLI,
ARASIKERE TALUK, HASSAN DISTRICT.

...PETITIONER

(BY SRI. MURALI BABU.M., ADVOCATE)

AND:

SMT. KARIYAMMA
W/O GANGANNA,
AGED ABOUT 86 YEARS,
R/AT KURUVANKA VILLAGE,
BANAVARA HOBLI,
ARASIKERE TALUK, HASSAN DISTRICT.

...RESPONDENT

(BY SRI. VIJAYA KRISHNA BHAT.M., ADVOCATE)

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

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO EXERCISE ITS JURISDICTION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA AND TO ISSUE QUASH THE IMPUGNED ORDER DTD 25.03.2024 PASSED BY THE ADDL. CIVIL JUDGE AND JMFC, ARASIKERE ON IA NO.3 IN OS NO. 512/22 ANNEXURE-L AND TO ALLOW IA NO. 3 AS PRAYED FOR.

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

CNR: KAHC010348162024

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

ORAL ORDER

1. The present petition seeks to challenge an order dated 25.03.2024, passed by the Additional Civil Judge and JMFC, Arasikere on I.A.No.3 in O.S.No.512/2022 [hereinafter referred to as the "Impugned Order"].

2. By the Impugned Order, I.A.No. 3 filed under Section 151 of the Code of Civil Procedure, 1908 [hereinafter referred to as the "CPC"] praying to permit the defendant to put up further construction in the plaint 'B' schedule property has been dismissed.

3. The learned counsel for the respondent at the outset points out that the application was not maintainable, since the application was filed pursuant to an interim order which was passed by the learned Trial Court on I.A.No.1 on 30.07.2022. By this order, an ex-parte temporary injunction order restraining the defendant from putting up any construction was passed.

4. He submits that the order dated 20.07.2022, has also being challenged by way of filing of a miscellaneous appeal before the learned Appellate Court. Learned counsel for the petitioner does not dispute this fact. He in fact states that the miscellaneous appeal is titled M.A. No.10/2024.

5. At this stage, learned counsel for the petitioner submits that he may be permitted to withdraw the present petition, with liberty to raise all his contentions before the learned Appellate Court and in the event that the Appellate Court sets aside the Impugned Order, he may be permitted to refile.

6. Accordingly, the petition is ***dismissed*** as withdrawn with the liberty as prayed for, albeit in accordance with law.

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

(TARA VITASTA GANJU)
JUDGE

JJ / List No.: 1 Sl No.: 20