HC-KAR

NC: 2026:KHC:62579
WP No. 33288 of 2026

CNR: KAHC010722902026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 33288 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. DYAVAMMA
   W/O LATE KALAJE GOWDA,
   AGED ABOUT 75 YEARS,
   RESIDENT OF BANTARAHALLI VILLAGE
   SHANTHIGRAMA HOBLI,
   HASSAN TALUK AND DISTRICT - 573 201.

2. SMT. SUKANYA
   W/O CHANDREGOWDA
   AGED ABOUT 54 YEARS,
   RESIDENT OF BANTARAHALLI VILLAGE,
   SHANTHIGRAMA HOBLI,
   HASSAN TALUK AND DISTRICT - 573 201.

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Location: High Court of Karnataka

3. SRI. CHANDREGOWDA
   C/O SMT. DYAVAMMA
   W/O LATE. KALAJEGOWDA
   AGED ABOUT 56 YEARS,
   RESIDENT OF BANTARAHALLI VILLAGE,
   SHANTHIGRAMA HOBLI,
   HASSAN TALUK AND DISTRICT - 573 201.

4. SRI. DILIP
   S/O CHANDREGOWDA
   GED ABxxOUT 25 YEARS,

RESIDENT OF BANTARAHALLI VILLAGE,
SHANTHIGRAMA HOBLI,
HASSAN TALUK AND DISTRICT - 573 201.

…PETITIONERS

(BY SRI. CHANDRAKANTH R. GOULAY, ADVOCATE)

AND:

SRI. SHIVAPPA
S/O LATE. JAVAREGOWDA
AGED ABOUT 54 YEARS
RESIDENT OF BANTARAHALLI VILLAGE,
SHANTHIGRAMA HOBLI,
HASSAN TALUK AND DISTRICT - 573 201.

…RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDERS DATED 31.08.2026 ON I.A. NO. 4 IN OS 828/2025 ON THE FILE OF THE VII ADDL. CIVIL JUDGE AND JMFC HASSAN RESPONDENT FILED 151 CPC POLICE PROTECTION APPLICATION ALLOWED AS PER ANNX-J AND ORDER ORDERS DATED 31.08.2026 ON IA NO. 3 IN OS 828/2025 ON THE FILE OF THE VII ADDL. CIVIL JUDGE AND JMFC HASSAN FILED BY THE 1ST PETITIONER INVOKING SECTION 10 OF CPC FOR STAY OF THE SAID SUITAS DEFENDANT THEREIN AS PER ANNX-H AS ILLEGAL AND AVOID AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present writ petition is filed challenging the orders dated 31.08.2026 in O.S No. 828/2025, whereby the application filed under Section 10 of the Code of Civil Procedure, 1908 (CPC), in I.A. No.3 came to be rejected, while the application filed under Section 151 of CPC in I.A. No.4, seeking police protection, came to be allowed.

2. Learned counsel appearing for the petitioners submits that the petitioners have instituted a suit in O.S. No.595/2025 in respect of land bearing Survey No.23/1, measuring 1 acre, in which an order of temporary injunction is operating. It is submitted that the respondent has instituted O.S. No.828/2025 in respect of land bearing Survey No.23/9, measuring 14 guntas. According to the petitioners, the said extent of 14 guntas forms part of the larger extent of 1 acre in Survey No.23/1, which is the subject matter of O.S. No.595/2025.

2.1 Learned counsel contends that, since the subject matter of both suits is one and the same and the parties are also

common, the Trial Court, having rejected the application seeking clubbing of the suits, ought to have stayed further proceedings in O.S. No.828/2025 pending disposal of O.S. No.595/2025 instituted by the petitioners.

2.2 Learned counsel further submits that, when the identity of the property forming the subject matter of O.S. No.828/2025 is itself in dispute, the Trial Court has committed an error in granting police protection, as such an order would facilitate encroachment upon the land forming the subject matter of O.S. No.595/2025, thereby resulting in violation of the subsisting order of temporary injunction.

3. I have considered the submissions made by learned counsel for the petitioners and perused the material on record.

4. The Trial Court, while considering the application filed under Section 10 of CPC, has recorded a finding that the subject matter of the two suits is different. It is further noticed that orders of injunction are operating in both suits. The subject matter of O.S. No.595/2025 is land bearing Survey No.23/1, measuring 1 acre, whereas the subject matter of O.S.

No.828/2025 is stated to be land bearing Survey No.23/9, measuring 14 guntas.

5. Though the petitioners contend that the extent of 14 guntas forms part of the larger extent of 1 acre in Survey No.23/1, no such specific defence appears to have been raised before the Trial Court. As noticed by the Trial Court, neither has the written statement been filed nor have any objections been placed on record to the applications filed in the suit, specifically setting out the petitioners' claim regarding the identity and overlap of the properties.

6. In the absence of appropriate pleadings and material establishing that the properties forming the subject matter of both suits are one and the same, the finding recorded by the Trial Court that the properties are distinct does not warrant interference.

7. Insofar as the grant of police protection is concerned, it is relevant to observe that, when an order of injunction is operating and its violation or disobedience is alleged, it is the duty of the Court to ensure that its orders are duly enforced

and implemented. If such protection is declined merely on the basis of an apprehension of violation, the efficacy and sanctity of judicial orders may be undermined.

8. If the petitioners apprehend that the order of injunction operating in O.S. No.828/2025 overlaps with the property forming the subject matter of O.S. No.595/2025, the appropriate remedy is to bring the said aspect to the notice of the competent Court and seek appropriate relief in accordance with law. The petitioners cannot, on that basis, obstruct or disobey an order passed by a competent Court.

9. In the absence of any ground warranting interference with the impugned order, this Court finds no merit in the writ petition.

Accordingly, the writ petition stands ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

VN/List No.: 1 Sl No.: 14