HC-KAR

NC: 2026:KHC:64419
WP No. 35657 of 2026

CNR: KAHC010792932026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 35657 OF 2026 (GM-CPC)

BETWEEN:

1. SRI.NAGARAJU V. K.,
   SON OF LATE PATEL KALASARAJU,
   AGED ABOUT 69 YEARS,
   RESIDING AT VADDARAKUPPE VILLAGE,
   KOTHAGERE HOBLI, KUNIGAL TALUK,
   TUMAKURU DISTRICT,
   PIN CODE 572130.

...PETITIONER

(BY SRI PUNITH C., ADVOCATE)

AND:

Digitally signed by VIJAYA P
Location: High Court of Karnataka

1. SRI.NAGARAJU V.S.,
   SON OF SIDDEGOWDA,
   AGED ABOUT 70 YEARS,
   RESIDING AT VADDARAKUPPE VILLAGE,
   KOTHAGERE HOBLI, KUNIGAL TALUK,
   TUMAKURU DISTRICT,
   PIN CODE 572130

2. SRI. BETTASWAMY V.B.,
   SON OF LATE BOREGOWDA,
   AGED ABOUT 63 YEARS,
   RESIDING AT VADDARAKUPPE VILLAGE,
   KOTHAGERE HOBLI, KUNIGAL TALUK,
   TUMAKURU DISTRICT,
   PIN CODE 572130.

3. GURURAJU V.,
SON OF UGLARAJU
AGED ABOUT 41 YEARS,
RESIDING AT VADDARAKUPPE VILLAGE,
KOTHAGERE HOBLI, KUNIGAL TALUK
TUMAKURU DISTRICT-572130.

4. DEEPAK, V.H.,
SON OF HANUMANTHAIAH,
AGED ABOUT 28 YEARS,
RESIDING AT VADDARAKUPPE VILLAGE,
KOTHAGERE HOBLI, KUNIGAL TALUK,
TUMAKURU DISTRICT, PIN CODE 572130.

5. NAGARAJU.S.V
SON OF VENKATAPPA,
AGED ABOUT 52 YEARS,
RESIDING AT VADDARAKUPPE VILLAGE,
KOTHAGERE HOBLI, KUNIGAL TALUK,
TUMAKURU DISTRICT,
PIN CODE 572130.

6. VENKATESH RAJU V.M.,
SON OF MUTTURAJ,
AGED ABOUT 57 YEARS,
RESIDING AT VADDARAKUPPE VILLAGE,
KOTHAGERE HOBLI, KUNIGAL TALUK,
TUMAKURU DISTRICT,
PIN CODE 572130.

7. V.R. BETTASWAMY
SON OF RANGASWAMAIAH,
AGED ABOUT 46 YEARS,
RESIDING AT VADDARAKUPPE VILLAGE,
KOTHAGERE HOBLI, KUNIGAL TALUK,
TUMAKURU DISTRICT,
PIN CODE 572130

8. SOMASHEKARAIAH
SON OF GANGAIAH,

AGED ABOUT 49 YEARS,
RESIDING AT VADDARAKUPPE VILLAGE,
KOTHAGERE HOBLI, KUNIGAL TALUK,
TUMAKURU DISTRICT, PIN CODE 572130.

9. THAMMAIAH,
SON OF LATE HANUMANTHAIAH,
AGED ABOUT 78 YEARS,
RESIDING AT VADDARAKUPPE VILLAGE,
KOTHAGERE HOBLI, KUNIGAL TALUK,
TUMAKURU DISTRICT,
PIN CODE 572130.

10. UMESHA RAJU
SON OF LATE MALLARAJU,
AGED ABOUT 50 YEARS,
RESIDING AT VADDARAKUPPE VILLAGE,
KOTHAGERE HOBLI, KUNIGAL TALUK,
TUMAKURU DISTRICT, PINCODE 572130

11. SURESHRAJU,
SON OF LATE RAMARAJU
AGED ABOUT 52 YEARS,
RESIDING AT VADDARAKUPPE VILLAGE,
KOTHAGERE HOBLI, KUNIGAL TALUK,
TUMAKURU DISTRICT, PIN CODE 572130.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 17.11.2026 IN OS.NO.1506/2026 AS PER ANNEXURE-A PASSED BY LEARNED ADDITIONAL CIVIL JUDGE AND JMFC, KUNIGAL TO THE EXTENT OF REFUSING TO GRANT OF EXPARTE INTERIM ORDER AND THEREBY TO ALLOW THE I.A.NO.1 FILED BY THE PLAINTIFF/PETITIONER UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF CPC IN OS.NO 1506/2026 AS PER ANNEXURE-C.

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

1. Learned counsel for the petitioner submits that the subject matter of the suit is a temple which was earlier situated within the boundaries of Kurudihalli Village. Subsequently, pursuant to the bifurcation of village boundaries, the temple came to fall within the territorial limits of Vaddarakuppe Village.

1.1 It is submitted that the petitioner has been performing pooja in the said temple. However, the defendants, claiming rights over the temple on the ground that it falls within the boundaries of Vaddarakuppe Village, are interfering with the performance of pooja and have even attempted to break open the lock of the temple.

1.2 It is further submitted that such a claim is sought to be asserted by constituting a trust and including the temple as one of the properties of the said trust.

2. Having regard to the pleadings and the material available on record, this Court is inclined to restrain the defendants from

interfering with the affairs of the temple, including the performance of pooja by plaintiff No.1, until consideration of I.A. No.1 pending before the Trial Court, in respect of which notice has been ordered.

3. Continuance of such an arrangement until consideration of I.A. No.1 by the Trial Court would prevent any irreparable hardship or prejudice that may otherwise be caused to the temple and the pooja rights claimed by the petitioner.

4. In that view of the matter, the following:

O R D E R

I. The Writ petition is ***allowed in part***.

II. The defendants in O.S.No. 1506/2026 pending on the file of the Additional Civil Judge and JMFC, Kunigal, are hereby restrained from obstructing or interfering with the plaintiff's peaceful performance of Pooja, religious rituals, customary ceremonies and other customary religious activities at Shree Maramma Devi Temple, situated at Vaddarakuppe Village, Kothagere Hobli, Kunigal Taluk, Tumakuru District, till consideration of

I.A.No.1 filed under Order 39 Rules 1 and 2 of CPC by the Trial Court.

III. The Trial Court is directed to expedite the consideration of the said application and dispose of the same within a period of three months from the date of this order.

SD/-
(K. V. ARAVIND)
JUDGE

VP
List No.: 3 Sl No.: 1