



NC: 2026:KHC:17264
W.P. No.1007/2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 26TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.1007/2022 (GM-CPC)

BETWEEN:

SRI. B.K. BASAVARAJAPPA
S/O LATE THARIKERI KOTRAPPA
AGED ABOUT 71 YEARS
R/O BANUVALLI VILLAGE
HARIHARA TALUK - 577 601
DAVANAGERE DISTRICT.

...PETITIONER

(BY SRI. V.B. SIDDARAMAIAH, ADV.,)

AND:

SMT. SOUBHAGYA
W/O H.M. SURESH
AGED ABOUT 52 YEARS
R/O BANUVALLI VILLAGE
HARIHARA TALUK - 577 601
DAVANAGERE DISTRICT.

...RESPONDENT

(BY SRI. VINAYA KEERTHY M, ADV.,)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER DTD 17.12.2021 PASSED BY THE II ADDITIONAL CIVIL JUDGE AND JMFC, AT HARIHARA, IN OS.NO.65/2021, ON IA FILED BY THE RESPONDENT, U/SEC 151 OF CPC, VIDE ANNEX-J. REJECT THE APPLICATION FILED BY THE RESPONDENT, FILED U/SEC 151 OF CPC, FOR POLICE PROTECTION, ON THE FILE OF THE II ADDITIONAL CIVIL JUDGE AND JMFC AT HARIHARA, IN OS NO.65/2021 VIDE ANNEX-G & ETC.

Digitally signed
by ARSHIFA
BAHAR
KHANAM

Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This petition is filed challenging the order dated 17.12.2021 passed on IA filed by the respondent under Section 151 of Code of Civil Procedure, 1908 (for short 'CPC') in O.S.No.65/2021 by the II Additional Civil Judge and JMFC, Harihara, (for short 'the trial Court').

2. Sri.V.B.Siddaramaiah, learned counsel appearing for the petitioner submits that the trial Court erred in entertaining the application filed by the respondent/plaintiff and granting police protection despite the petitioner's specific stand that the plaintiff had failed to establish any violation of the temporary injunction order by the defendant. It is submitted that now the matter is posted for the defendant's evidence and that the impugned order has already been stayed by this Court; hence, it would be appropriate to dispose of the writ



petition with a direction to the trial Court to dispose of the suit as expeditiously as possible.

3. Per contra, Sri.Vinaya Keerthy M., learned counsel appearing for the respondent supports the impugned order of the trial Court and submits that the trial Court has assigned detailed reasons for granting police protection, having been satisfied that the defendant attempted to interfere with the plaintiff's possession in violation of the temporary injunction order. Accordingly, he seeks to dismiss the petition.

4. I have heard the arguments on both the sides and meticulously perused the material available on record.

5. The respondent/plaintiff filed a suit in O.S.No.65/2021 seeking permanent injunction in respect of the suit schedule property, the details of which are set out in the plaint. The petitioner/defendant filed a detailed written statement along with a sketch at Annexure-B1 contending that the defendant is in possession of the



vacant space marked as 'CDEF'. Be that as it may, the trial Court, by order dated 09.09.2021 allowed the application filed by the plaintiff under Order XXXIX Rule 1 and 2 read with Section 151 of CPC, restraining the petitioner from interfering with the respondent's/plaintiff's peaceful possession and enjoyment of the suit schedule property till the disposal of the suit. It is brought to the notice of this Court that the said order has been affirmed in MA.No.14/2021 by order dated 26.05.2023. It is noticed that the respondent/plaintiff filed an application under Section 151 of the CPC seeking a direction to the jurisdictional police to provide protection against the petitioner/defendant, the said application came to be allowed. The trial Court, having recorded its reason in paragraph Nos.8 and 9 and being satisfied that there was a violation of the temporary injunction order, directed the jurisdictional police to implement the order dated 09.09.2021. It is also noticed that this Court, vide Order dated 02.03.2022 stayed the impugned order dated



17.12.2021 and during the pendency of this petition and from the date of the interim order of this Court dated 02.03.2022, there have been no complaints of interference with the possession of the plaintiff.

6. It is submitted by the learned counsel for the petitioner that the petitioner has not disobeyed the order of the trial Court dated 09.09.2021. Recording the said submission and taking note of the interim order granted by this Court dated 02.03.2022, as well as the fact that the suit is presently pending for trial, I am of the considered view that the writ petition deserves to be disposed of. Accordingly, the writ petition is ***disposed of***, without expressing any opinion on the merits of the impugned order, with a direction to the trial Court to consider and dispose of the suit as expeditiously as possible.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK, List No.: 1 Sl No.: 22