



NC: 2026:KHC:11125
WP No. 17126 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 17126 OF 2018 (GM-CPC)

BETWEEN:

SRI. GANESH M P
SON OF PUTTU SWAMY
AGED ABOUT 41 YEARS
RESIDING AT SHANTHALA
BEJAI NEW ROAD
MANGALORE - 575004.

...PETITIONER

(BY SRI. ANANDARAMA K., ADVOCATE)

AND:

1. SRI. PAUL PAIS
SON OF LATE MINGAL PALS
AGED ABOUT 75 YEARS
RESIDING AT BAREBAIL
KADRI, BEJAI POST
MANGALURU - 575004.
2. SMT. SHAILA M. LOBO
WIFE OF LATE DAVID LOBO
AGED ABOUT 50 YEARS
RESIDING AT
SAGAR KULAMAR REDIDENCY
OPP. GARCIA FURNITURE
BEJAI POST
MANGALURU - 575004.



3. SMT. LEENA DEEPAK
WIFE OF DEEPAK CHOWDARY
AGED ABOUT 52 YEARS
RESIDING AT 2/368
KALPAJI NEAR ALAKANANDA MARKET
NEW DELHI - 11002.

...RESPONDENTS

(BY SRI. CYRIL PRASAD PAIS, ADVOCATE FOR C/R1;
SRI. Y V PRAKASH, ADVOCATE FOR R2;
NOTICE TO R3 IS H/S, V/O DATED 25.02.2025)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 19.01.2018 PASSED BY THE I ADDL CIVIL JUDGE AND JMFC, MANGALURU IN O.S.NO.1213/17 ON I.A.NO.II VIDE ANNEXURE-K AND ORDER DATED 02.04.2018 PASSED BY THE II ADDL. SENIOR CIVIL JDUGE AND CJM, MANGALURU, D.K. IN M.A.NO.6/2018 VIDE ANNEXURE-M, AND CONSEQUENTLY DISMISS I.A.NO.2 IN O.S.NO.1213/2017.

THIS PETITION, COMING ON FOR FINAL HEARING, 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 02.04.2018 in M.A.No.6/2018 passed by the II Additional Senior Civil Judge & CJM, Mangaluru, D.K., confirming the order dated 19.01.2018 on I.A.No.II in O.S.No.1213/2017 passed by the I Additional Civil Judge and JMFC, Mangaluru (hereinafter referred to as the



"Impugned Order"). By the Impugned Order, I.A.No.II filed by the respondent No.1/plaintiff for interim mandatory injunction was allowed by the learned Trial Court.

2. This Court on the last date of hearing had passed the following order:

"2. This Court had by order dated 24.04.2018 directed a stay of proceedings before the learned Trial Court. The matter has continued since then.

3. At the outset, learned counsel for the petitioner/defendant submits that without prejudice to his contentions and given the fact that the evidence of the parties has been scheduled to commence, it would be in the interest if the status quo be maintained and the trial of the matter be conducted in a time bound manner.

4. Learned counsel for the petitioner/defendant also seeks to rely upon the affidavit dated 24.04.2018. Learned counsel further submits that in the interregnum, the petitioner/defendant has also taken further steps to ensure that there is no blockage on the easementary rights of the respondent/plaintiff.

5. Learned counsel for the respondent/plaintiff requests for some time to take instructions."

3. The learned counsel for the respondent No.1/plaintiff today submits that there is no objection to the contention of the petitioner/defendant No.3 provided that the



petitioner/defendant No.3 ensures that the 6 mtr. road that has been created is not blocked at any time and that the respondent No.1/plaintiff is able to traverse to and from his property.

4. Learned counsel for the petitioner/defendant No.3, on instructions, submits that after 6 mtr. road was built by the petitioner/defendant No.3, it has been handed over to the statutory authorities. He further submits, on instructions, that right of way of the respondent No.1/plaintiff will not be blocked at any point of time until the hearing in the original suit is concluded.

4.1. The statement of the learned counsel for the petitioner/defendant No.3 is taken on record. The petitioner/defendant No.3 is bound by the submissions made by his learned counsel.

5. Given the consensus between the parties, this petition is ***disposed of*** with a request to the learned Trial Court to conduct the trial in the matter as expeditiously as possible



but not later than six months from today. The petitioner/defendant No.3 is permitted to file a fresh application before the learned Trial Court bringing out the updated position and praying for an order of *status quo*, within two weeks. The learned Trial Court shall examine the application and pass appropriate orders in accordance with law. The interim order granted by this Court on 24.04.2018 shall continue till the disposal of the application to be filed by the petitioner/defendant No.3.

6. All pending applications stand closed.

**(TARA VITASTA GANJU)
JUDGE**

YN/PSJ
List No.: 2 Sl No.: 3