



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 2567 OF 2026 (GM-CPC)

BETWEEN:

SRI B SHIVANANJAPPA
S/O LATE. BYREGOWDA,
AGED ABOUT 73 YEARS,
RESIDING AT ATTIGUPPE VILLAGE,
MARALAVADI HOBLI,
HAROHALLI TALUK,
BENGALURU SOUTH DISTRICT

...PETITIONER

(BY SRI. KEMPANNA., ADVOCATE)

AND:

1. SRI SHIVANANJAPPA K
S/O LATE H. KODIAH
AGED ABOUT 62 YEARS
RESIDING AT NO.93/A,
1ST CROSS,
BAIRAVESHWARA LAYOUT,
HOSAHALLI,
TALAGHATTAPURA,
BENGALURU -56002.
2. SMT. SAROJAMMA
D/O LATE.H.KODIAH
AGED ABOUT 47 YEARS,
R/AT, AGRARA VILLAGE,
MARALAVADI HOBLI,





HAROHALLI TALUK,
BANGALORE SOUTH DISTRICT.

3. SMT. SOWBHAGYA
D/O LATE.H.KODIAH
AGED ABOUT 45 YEARS,
RESIDING NO.05,
THAMASANDRA,
NEAR BASAWESHWARA TEMPLE,
HAROHALLI,
BANGALORE SOUTH DISTRICT.
4. SRI. SHIVAKUMAR.K
S/O LATE.H.KODIAH
AGED ABOUT 62 YEARS,
RESIDING AT NO.73,
2ND FLOOR, VENKATESHWARA NILAYA,
6TH MAIN ROAD,
KUVEMPU ROAD,
JARAGAHALLI VTC,
BANGALORE SOUTH,
J.P.NAGARA,
BANGALORE- 560078.
5. SRI. SHIVANNA
S/O LATE. NANJEGOWDA @ GADDANANJAPPA
AGED ABOUT 65 YEARS,
R/AT ATTIGUPPE VILLAGE,
MARALAVADI HOBLI,
HAROHALLI TALUK,
BANGALORE SOUTH DISTRICT.

...RESPONDENTS

(BY SRI. SURESH K. DESAI, ADVOCATE FOR R-1 TO R-4
AND SMT.DIVYA KRISHNA, ADVOCATE FOR R-5)



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF CONSITUION OF INDIA PRAYING TO QUASH THE ORDER DTD. 08.12.2025 ON I..ANO. 01 UNDER ORDER 39 RULE 1 AND 2 OF CPC, PASSED IN THE O.S. 1300/2025, BY THE SENIOR CIVIL JUDGE AND JMFC, KANAKAPURA, WHICH IS AT ANNEX-A.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, the petitioner seeks the following reliefs :

" a. To pass an order of writ of certiorari quashing the order dated 08.12.2025 on IA.No.1 filed under Order 39 Rule 1 and 2 of CPC, passed in the O.S.1300/2025 by the Senior Civil Judge and JMFC, Kanakapura which is at Annexure-A.

b. Pass any other appropriate order as this Hon'ble Court deems fit to grant on the facts and circumstances of the case in the interest of justice and equity."

2. Heard the learned counsel appearing for the petitioner and learned counsels appearing for the respondents and perused the materials on record.

3. When the matter came up before this Court on 29.01.2026, the following interim order was passed:

"Heard.

Issue emergent notice to the respondents returnable by 26.02.2026.



In the meanwhile, parties are directed not to alienate, encumber, dispossess or create third party rights over the suit schedule properties,, till the next date of hearing.

Liberty is reserved in favour of the respondents to seek vacation / modification of this order."

4. It is a matter of record and undisputed fact the suit is posted before the trial Court on 03.07.2026 and IA No.1 for permanent injunction filed by the petitioner/plaintiff against the defendants is pending consideration before the trial Court and has not been disposed of even till today.

5. Under these circumstances, I deem it just and appropriate to dispose of this petition by directing the suit to be preponed/advanced from 03.07.2026 to 11.03.2026 and by issuing certain directions in this regard.

6. In the result, the following:

ORDER

- i) Petition is hereby ***disposed of***.
- ii) The trial Court before whom O.S.No.1300/2025 is pending, is directed to prepone/advance the suit from 03.07.2026 to **11.03.2026**.
- iii) Liberty is reserved in favour of both sides to seek preponement/advancement of the suit from 03.07.2026 to 11.03.2026.



- iv) Immediately upon advancement as stated supra, the trial Court shall consider and pass appropriate orders on IA No.1 for permanent injunction filed by the plaintiff on merits within a period of one month from 11.03.2026, without being influenced by the findings/observations, if any, in the present order.
- v) It is further directed that, till disposal of IA.No.1 by the trial Court on merits, the interim order dated 29.01.2026, passed by this Court in the present petition, shall continue to remain in force and operate between the parties without prejudice to their rights or contentions.
- vi) All rival contentions and all aspects of the matter are kept open and no opinion is expressed on the merits/demerits of the rival contentions.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE