



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. 8564 OF 2022 (GM-CPC)

BETWEEN:

1. SRI. A.G. GOPALAIAH,
S/O GOVINDAPPA
AGED ABOUT 46 YEARS,
2. SRI. A.N. THIPPESWAMY
S/O NARASAPPA
AGED ABOUT 46 YEARS,

BOTH RESIDING AT
ANCHENAHALLI VILLAGE,
MADHUGIRI TALUK - 572 132.

...PETITIONERS

(BY SRI. VIVEK S, ADVOCATE)

AND:

SRI. THIPPEKARIYAPPA
S/O LATE KAREGOPEGOWDA,
AGED ABOUT 65 YEARS,
R/O MARITHIMMANAHALLI VILLAGE,
KASABA HOBLI,
MADHUGIRI TALUK - 577 427.

...RESPONDENT

(BY SRI. HANUMESH H.N, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH AND SET ASIDE





THE ORDER DATED 16.12.2021 PASSED BY THE HONBLE ADDL. SENIOR CIVIL JUDGE AND JMFC MADHUGIRI IN M.A. NO.36/2017 ANNEXURE-F THEREBY SETTING ASIDE THE ORDER DATED 04.07.2017 PASSED IN IA NO.1 IN OS NO.104/2017 BY HONBLE PRL. CIVIL JUDE AND JMFC MADHUGIRI ANNEXURE-E AND ETC.,

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

1. Learned counsel for the petitioners has filed a memo indicating that the writ petition would not survive for consideration.
2. The memo is taken on record. The memo reads as under;

"The instant petition has been filed by the Petitioners being aggrieved by the Impugned order dated 16.12.2021 passed by the Hon'ble Addl. Senior Civil Judge and JMFC, Madhugiri in M.A.No. 36/2017 setting aside the order passed on I.A. No.1 by the Hon'ble Principal Civil Judge and JMFC, Madhugiri in O.S.No. 104/2017; wherein the learned Trial Court after hearing the parties had rejected the I.A.No.1 filed by the Respondent under Order XXXIX Rules 1 and 2 of Code of Civil Procedure, 1908



consequently granting ad interim relief of Temporary Injunction. This Hon'ble Court by the order dated 21.04.2022 had directed both the parties to maintain Status Quo. The Hon'ble Addl. Civil Judge and JMFC, Madhugiri by the Judgment and Decree dated 22.07.2025 in O.S.No. 104/2017 has dismissed the suit for Permanent Injunction filed by the Respondent.

Therefore, the Prayer sought for in the present writ petition does not survive for consideration and accordingly, petition may be disposed of."

3. In view of the aforesaid memo, the writ petition is
dismissed as having become infructuous.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

GH
List No.: 1 Sl No.: 31