



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 8561 OF 2026 (GM-CPC)

BETWEEN:

MR. SUBASHCHANDRA RAI,
S/O. RAMAYYA RAI,
AGED ABOUT 72 YEARS,
R/AT YEDKATHODY,
VOLAMOGRU VILLAGE,
PUTTUR TALUK,
D.K. DISTRICT PIN 574201.

...PETITIONER

(BY SRI. DIVEEN VARMA B., ADVOCATE)

AND:

1. RAKKESH P. SHETTY,
S/O LATE K.PURUSHOTTAMA SHETTY,
AGED ABOUT 50 YEARS,
2. MRS. SHAINY S.ILA
W/O RAKKESH P.SHETTY,
AGED ABOUT 49 YEARS,

BOTH ARE RESIDING AT
"ILA-RAKESH PALACE"
JAINARAGURI, BANNUR,
PUTTUR TALUK,
D.K. DISTRICT PIN 574201.

...RESPONDENTS

(BY SRI. B.S.SACHIN, ADVOCATE FOR C/R1 AND R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO





QUASH THE ORDER DATED 06/02/2026 PASSED IN M.A. NO. 1/2023 PASSED BY THE PRINCIPAL, SENIOR CIVIL JUDGE AND ACJM AT PUTTUR, D.K. DISTRICT (ANNEXURE-A) AND ETC

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner-plaintiff has called in question the order dated 06.02.2026 passed by the Principal Senior Civil Judge and JMFC, Puttur, D.K. District (hereinafter referred to as 'First Appellate Court' for short) in M.A.No.1/2023, whereby the miscellaneous appeal filed by the defendants has been allowed and the order dated 06.12.2022 passed by the II Additional Civil Judge and JMFC, Puttur, D.K. (hereinafter referred to as 'Trial Court' for short) on I.A.No.II filed under Order XXXIX Rules 1 and 2 of the CPC in O.S.No.187/2021 has been set aside.

2. The petitioner-plaintiff filed a suit O.S.No.187/2021 for an easementary right. Along with the plaint, I.A.No.II under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC was also filed. The Trial Court, by order dated



06.12.2022, allowed the said application and granted a temporary injunction. Being aggrieved by the same, the respondents–defendants filed an appeal before the First Appellate Court in M.A.No.1/2023. The First Appellate Court, by order dated 06.02.2026, allowed the appeal and set aside the order passed by the Trial Court. Being aggrieved by the same, the petitioner-plaintiff is before this Court.

3. Be that as it may, since the order dated 06.02.2026 has been in operation and the issues are yet to be framed, the parties have to maintain *status-quo* in respect of the suit schedule property, till the disposal of the suit.

4. In view of the above, the writ petition is ***disposed of.***

5. The parties are directed to maintain *status-quo* in respect of the suit schedule property, till the disposal of the suit in O.S.No.187/2021.

6. The Trial Court is directed to dispose of the said suit as expeditiously as possible, and in any event not later



than eight months from the date of receipt of a certified copy of this order, provided that there is no order of stay of the said proceedings granted by any other Court of law.

7. The parties are also directed to cooperate for early disposal of the suit.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

HA
List No.: 1 SI No.: 27