



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. 19115 OF 2021 (GM-CPC)

BETWEEN:

SRI. KANTHARAJU R.N,
S/O SRI. R.S. NAGARAJU
AGED ABOUT 40 YEARS
R/AT RAYAPURA VILLAGE
KASABA HOBLI, BELUR TALUK
HASSAN DISTRICT - 573 115.

...PETITIONER

(BY SRI. G. BHARGAV, ADVOCATE)

AND:

THE EXECUTIVE OFFICER
TALUK PANCHAYAT, BELUR
HASSAN DISTRICT - 573 115.

...RESPONDENT

(BY SRI. MANOJ M. NAIK, ADVOCATE FOR
SRI. A. NAGARAJAPPA, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDERS DTD 08.01.2020 PASSED ON IA.NO.III IN O.S.NO.230/2019 ON THE FILE OF THE CIVIL JDUGE, BELUR VIDE ANNEX-E AND ORDER DTD 31.08.2021 PASSED N M.A.NO.02/2020 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, BELURU VIDE ANNEX-K, CONSEQUENTLY ALLOW THE APPLICATION IA.NO.III FILED BY THE PETITIONER/PLAINTIFF UNDER ORDER 39 RULE 1 AND 2 OF THE CODE OF CIVIL





PROCEDURE IN O.S.NO.230/2019 ON THE FILE OF THE CIVIL JUDGE, BELUR 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. This petition is filed challenging the Order dated 08.01.2020 passed on I.A.No.III in O.S.No.230/2019 by the Civil Judge and J.M.F.C., Beluru and the Order dated 31.08.2021 passed in M.A.No.2/2020 by the Senior Civil Judge and J.M.F.C, Beluru.

2. Heard Sri.G.Bhargav, learned counsel for the petitioner and Sri.Manoj M.Naik, learned counsel for Sri.A.Nagarajappa, learned counsel for the respondent.

3. The petitioner was the plaintiff in O.S.No.230/2019 pending on the file of Civil Judge and J.M.F.C., Beluru. The said suit came to be filed for permanent injunction against the respondent. Along with the plaint, the petitioner filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908



seeking temporary injunction restraining the defendant from interfering with the possession and enjoyment of the suit schedule property. The Trial Court considering the material placed and the arguments advanced, rejected the application. Being aggrieved, the petitioner preferred M.A.No.2/2020 which also came to be dismissed.

4. It is to be noticed that the petitioner claimed to be in possession of Shop No.3 situated by the side of the Taluka Panchayath, Beluru and the records indicate that the lease is for a period of five years with certain terms and conditions. It is averred that the plaintiff approached the defendant for renewal of the lease for further period of fifteen years by executing a fresh agreement. However, the defendant demanded to pay increased rent at 10% per month. However, the defendant did not come forward to execute the fresh deed and illegally wanted to dispossess by issuing notices. The defendant has contended that the lease period has been completed long back and the plaintiff is squatting over the property of the Taluk



Panchayath, Beluru. Be that as it may. The Trial Court considering the contentions and the materials placed before it, *prima facie* comes to the conclusion that the plaintiff has failed to make out the case for grant of temporary injunction which was affirmed by the Appellate Court.

5. It is to be noticed that this Court vide order dated 23.11.2021 has directed the parties to maintain *the status quo* and the said *status quo* is continued and it is informed that the petitioner is still in possession of the premises and the suit is pending for consideration before the Trial Court. It is submitted by the learned counsel for the respondent that in view of the pendency of this petition, the Trial Court has not proceeded with the suit.

6. Taking note of the aforesaid submission and considering that the suit is of the year 2019 and this writ petition is pending for nearly five years and interim order is operating, I am of the considered view that if the interim order of *status quo* is continued till the disposal of



the suit, interest of justice would be met. Hence, I proceed to pass the following;

ORDER

(i) The writ petition is ***disposed of***.

(ii) The Trial Court shall dispose of O.S.No.230/2019 as expeditiously as possible taking note of the pendency of the cases before it.

(iii) The parties shall maintain *status quo* till disposal of the suit.

(iv) It is made clear that this Court has not expressed any opinion on the merits of the case.

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

GH
List No.: 1 Sl No.: 18