



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.100860 OF 2023 (GM-CPC)

BETWEEN:

SMT. RUKMABAI W/O. DASHARATH BOUDEKAR,
AGE. 53 YEARS, OCC. AGRICULTURE
AND HOUSEHOLD WORK,
R/O. BADACHI, TAL. ATHANI,
DIST. BELAGAVI-591 304.

...PETITIONER

(BY SRI. RAJENDRA R.PATIL, ADVOCATE)

AND:

1. SRI. PAYAPPA S/O. PANDU MANE,
AGE. 68 YEARS, OCC. AGRICULTURE,
R/O. DESAIRAHATTI, TAL. ATHANI,
DIST. BELAGAVI-591 304.
2. SMT. TULASABI W/O. PAYAPPA MANE,
AGE. 63 YEARS, OCC. AGRICULTURE AND
HOUSEHOLD WORK,
R/O. DESAIRAHATTI, TAL. ATHANI,
DIST. BELAGAVI-591 304.
3. SRI. HANAMANT S/O. PAYAPPA MANE,
AGE. 48 YEARS, OCC. AGRICULTURE,
R/O. DESAIRAHATTI, TAL. ATHANI,
DIST. BELAGAVI-591 304.

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M KANKUPPI



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4. SRI. BABU S/O. PAYAPPA MANE,
AGE. 38 YEARS, OCC. AGRICULTURE,
R/O. DESAIRAHATTI, TAL. ATHANI,
DIST. BELAGAVI-591 304.
5. SRI. VITHOBA S/O. PAYAPPA MANE,
AGE. 37 YEARS, OCC. AGRICULTURE,
R/O. DESAIRAHATTI, TAL. ATHANI,
DIST. BELAGAVI-591 304.
6. SRI. NARAYANA S/O. PAYAPPA MANE,
AGE. 35 YEARS, OCC. AGRICULTURE,
R/O. DESAIRAHATTI, TAL. ATHANI,
DIST. BELAGAVI-591 304.
7. SRI. PANDARI S/O. VITHOBA MANE,
AGE. 58 YEARS, OCC. AGRICULTURE,
R/O. DESAIRAHATTI, TAL. ATHANI,
DIST. BELAGAVI-591 304.

...RESPONDENTS

(BY SRI. SANGAMESH S.GHULAPPANAVAR, ADVOCATE FOR R7;
NOTICE TO R1 TO R6 ARE DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A
DIRECTION TO THE COURT OF IV ADDL. CIVIL JUDGE AND
JMFC, ATHANI TO PASS NECESSARY ORDER ON I.A. NO.VI IN
O.S.NO.487/2019 MARKED AT ANNEXURE-J AND ETC.,.



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

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE ASHOK S. KINAGI)

1. The petitioner has filed this writ petition seeking directions to the learned IV Additional Civil Judge and JMFC, Athani, to pass necessary orders on I.A. No. 6 in O.S. No. 487 of 2019. The said application was filed on 27.09.2022 under Order XXXIX Rules 1 and 2 read with Section 151 of CPC. Till today, trial court has not passed any order. Hence, this writ petition.

2. Heard the arguments of learned counsel for the petitioner, and perused the record.

3. The petitioner has filed I.A. No. 6 under Order XXXIX Rule 1 and 2 of CPC read with Section 151 of CPC, seeking an order of temporary injunction. The respondents opposed the said application by filing their objections. When any such application is filed, it is required to be disposed of by the trial court within 30 days.



4. Admittedly, the trial court has not disposed of the said application within 30 days as required under Rule 3A of Order XXXIX of CPC and the same has been pending since 2022. Hence, it is appropriate to issue direction to the trial court for the disposal of the said application.

5. Accordingly, the writ petition is disposed of, directing the trial court to dispose of I.A. No. 6 within one week from the date of receipt of a copy of this order.

6. Pending interlocutory applications, if any, do not survive for consideration and are accordingly disposed of.

Sd/-
(ASHOK S. KINAGI)
JUDGE