



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 27TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201377 OF 2026 (GM-CPC)

BETWEEN:

SMT. GURAMMA @ GURUDEVI
W/O LATE HANAMANTHAPPA BACHAL
AGE: 57 YRS OCC: AGRI
R/O CHITTAPUR TQ. LINGASUGUR
DIST: RAICHOR 584127

...PETITIONER

(BY SRI B BHIMASHANKAR,ADVOCATE)

AND:

BASAMMA
W/O LATE HANAMANTHAPPA BACHAL
AGE: 70 YRS, OCC: AGRI
R/O CHITTAPUR VILLAGE
NOW AT LOTEGERE
TQ. MUDDEBIHAL DIST: VIJAYAPUR

...RESPONDENT

(BY SRI ABHIMANYU A. PARSHETTI AND
SRI JAGADEV H.S.,ADVOCATE FOR C/R)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 OF
THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF
CERTIORARI AND QUASH THE IMPUGNED ORDER DTD.
25.02.2026 ON I.A.NO.I PASSED IN MISC.NO.25/2025 ON THE



FILE OF LEARNED SENIOR CIVIL JUDGE LINGASUGUR
PRODUCED AT ANNEXURE-E, ETC.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

This Writ Petition under Article 226 of the
Constitution of India is filed with a prayer to quash the
order dated 25.02.2026 passed on I.A.No.1 in
Misc.No.25/2025 by the Court of Senior Civil Judge and
JMFC, Lingasugur, Raichur district.

2. Heard the learned counsel for the parties.

3. Respondent herein has filed Misc.No.25/2025
before the Court of Senior Civil Judge and JMFC,
Lingasugur with a prayer to set aside the compromise
decree dated 29.04.2025 passed in O.S.No.90/2025. In
the said proceedings, he also had filed an application
under Section 151 of CPC with a prayer to restrain the
petitioner herein from alienating the suit schedule



properties pending disposal of the Misc.No.25/2025. The Trial Court, vide the impugned order dated 25.02.2026 has allowed the application filed by the respondent under Section 151 of CPC and has stayed the operation of the compromise decree passed in O.S.No.90/2025 till further orders. Aggrieved by the same, the petitioner who is the plaintiff in O.S.No.90/2025 is before this Court.

4. Learned counsel for the petitioner submits that only prayer made in I.A.No.1 filed under Section 151 of CPC in Misc.No.25/2025 was to direct the petitioner herein not to alienate the suit schedule properties pending disposal of the Misc. case and the Trial Court was therefore not justified in staying the operation of the compromise decree passed in O.S.No.90/2025. He submits that said prayer is not at all sought for in I.A.No.1.

5. *Per contra*, learned counsel appearing for the caveator has not disputed the submission made by learned



counsel for the petitioner. He further submits that if interim order is not granted, the respondent is likely to be put into hardship in the event the petitioner alienates or creates third party interest in the suit schedule properties. He submits that explanation from the learned Advocates who have appeared for the parties in the suit has been now called for and therefore, the Trial Court may be directed to dispose of Misc.No.25/2025 at the earliest.

6. Material on record would go to show that the prayer made in I.A.No.1 filed under Section 151 of CPC by the respondent herein was only to restrain the petitioner herein from alienating the suit schedule properties during the pendency of Misc.No.25/2025. The Trial Court has failed to appreciate the aforesaid aspects of the matter and therefore, has erred in passing the order impugned staying the operation of the compromise decree passed in O.S.No.90/2025, which relief was not at all sought for in I.A.No.1. To the said extent, the order impugned is bad in law. However, as rightly contended by the learned



counsel for the respondent, if some protection is not granted to the respondent, during the pendency of this case, she is likely to be put into hardship in the event the petitioner alienate or creates third party rights in the suit schedule properties. Accordingly, the following:

ORDER

- (i) The Writ Petition is ***partly allowed***.
- (ii) The impugned order dated 25.02.2026 to the extent it relates to staying the operation of the compromise decree passed in O.S.No.90/2025 till further orders is quashed and instead the petitioner herein is directed not to alienate or create third party interest in the suit schedule properties during the pendency of Misc.No.25/2025 before the Trial Court.
- (iii) It is needless to state that the Trial Court shall make endeavour to dispose of Misc.No.25/2025 as expeditiously as possible.

**Sd/-
(S.VISHWAJITH SHETTY)
JUDGE**