



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH**

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201627 OF 2026 (GM-CPC)

BETWEEN:

1. BHAGAWAN
S/O LAXMAN BACHIPALLE,
AGE 68 YEARS,
OCC AGRICULTURE,
R/O VILLAGE HULSUR,
TQ HULSUR,
DISTRICT BIDAR—585416
2. SHOBA BAI @ DHAMABAI
W/O BHAGWAN BACHIPALLE,
AGE 59 YEARS,
OCC HOUSEHOLD AND AGRICULTURE,
R/O VILLAGE HULSUR,
TQ HULSUR,
DISTRICT BIDAR—585416
3. NITIN BHAGAWAN
S/O BACHIPALLE,
AGE 35 YEARS,
OCC AGRICULTURE,
R/O VILLAGE HULSUR,
TQ HULSUR,
DISTRICT BIDAR--585416

...PETITIONERS

(BY SRI GHATE KONDIBARAO, ADV.)

AND:

VAIJINATH
S/O SHANKARAYYA KANNADE
AGE 66 YEARS,





OCC RETIRED TEACHER,
R/O BASAVA KUTEERA
H NO 8622/16
HIEMATH COLONY,
BASAVAKALYAN
DISTRICT BIDAR 585327

...RESPONDENT

(BY SRI SACHIN M.MAHAJAN, ADV.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER PASSED BY THE HONOURABLE SENIOR CIVIL JUDGE AND JMFC, BASAVAKALYAN IN M.A.NO.3/2025 DATED 01.04.2026 VIDE ANNEXURE-A TO THE WRIT PETITION, AND CONSEQUENTLY REJECT IA NO.I FILED BY THE RESPONDENT/PLAINTIFF IN OS NO.249/2023 UNDER ORDER XXXIX RULE 1 AND 2 OF CPC.

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

1. Defendants are before this Court in this writ petition filed under Article 227 of the Constitution of India, seeking for the following reliefs:

a) Issue writ of certiorari/direction/order quashing the order passed by the Hon'ble Senior Civil Judge and JMFC, Basavakalyan in M.A.No.3/2025 dated 01.04.2026 vide ANNEXURE-A to the writ petition, and consequently reject the IA No.1 filed by the respondent/plaintiff in OS No.249/2023 under Order XXXIX Rule 1 and 2 of CPC, to meet the ends of justice and equity.

b) Under the facts, and circumstances and the grounds urged by the petitioner/defendants and



miscarriage of justice by the trial court and first appellate court, the cost of the present writ petition may kindly be awarded to the petitioner/defendants as against plaintiff/respondent, to meet the ends of justice and equity.

2. Heard the learned Counsel for the parties.
3. Respondent herein has filed O.S.No.249/2023 before the jurisdictional Civil Court at Basvakalyana seeking the relief of perpetual injunction in respect of the suit schedule property which is a commercial complex constructed in the property measuring about three gunts situated at Hulsur village, Basavakalyana Taluk, Bidar District. In the said suit, the contesting defendants have filed a detailed written statement and have opposed the suit claim.
4. IA no.1 was filed by the plaintiff under Order XXXIX Rules 1 & 2 read with Section 151 CPC seeking an order of temporary injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the suits schedule property. The said application was opposed by the defendants by filing objections. The Trial Court vide order dated 28.04.2025 at Annexure-E has allowed IA no.1 in



O.S.No.249/2023 and the said order has been confirmed by the Appellate Court in M.A.No.3/2025 filed by the defendants. Aggrieved by the order dated 28.04.2025 passed on IA no.1 in O.S.No.249/2023 and the order dated 01.04.2026 passed in M.A.No.3/2025, the petitioners are before this Court.

5. Perusal of the material on record would go to show that the father of defendant no.1 viz., Laxman Bachipalle who was the owner of the property bearing Sy. No.323/1 totally measuring 2 acres, had sold the said property under the registered sale deed dated 29.01.2008 in favour of one Vaijinath S/o Trimbakappa Neelange for a sale consideration of Rs.17,000/-. Defendant no.1 is the attesting witness to the sale deed dated 29.01.2008 under which he and his father Laxman Bachipalle had sold the entire extent of 2 acres in Sy. No.323/1 in favour of the aforesaid Vaijinath S/o Trimbakappa Neelange.

6. It appears that subsequently the aforesaid Vaijinath S/o Trimbakappa Neelange had executed a registered sale deed dated 06.05.2017, under which three guntas of land in Sy. No.323/1 was sold in favour of the plaintiff in the present case.



Subsequent to the sale deed, the said property was allotted a separate sub-division and was numbered as Sy. No.323/1/3.

7. The Trial Court having appreciated the aforesaid sale transactions under which the plaintiff had acquired right, title and interest over the suit schedule property and had constructed a commercial complex on the same, has rightly granted an order of temporary injunction in his favour vide order at Annexure-E dated 28.04.2025 passed on IA no.1. The Appellate Court having appreciated the aforesaid aspects of the matter has passed a detailed order confirming the well reasoned order passed by the Trial Court on IA no.1 in O.S.No.249/2023. Under the circumstances, I am of the opinion that the said orders do not call for interference by this Court in exercise of its jurisdiction under Article 227 of the Constitution of India. Even otherwise, since there are concurrent findings recorded as against the petitioners herein, unless it is found that the impugned orders are perverse in nature or they are passed without taking into consideration the pleadings and documents placed on record, this Court cannot interfere with the said orders in exercise of its jurisdiction under Article 227



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of the Constitution of India. Under the circumstances, this writ petition does not merit consideration. Accordingly, the writ petition is dismissed.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

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