



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 203174 OF 2025 (GM-CPC)

BETWEEN:

SMT. MALLAMMA W/O LATE TIPPANNA,
AGE: 54 YEARS, OCC: AGRICULTURE,
R/O NASALAPUR VILLAGE,
TQ. MANVI, DIST. RAICHUR 584123

...PETITIONER

(BY SRI. MAHANTESH PATIL.,ADVOCATE)

AND:

SMT. DURGAMMA W/O LATE HANUMANTHA,
AGE: 59 YEARS, OCC: AGRICULTURE,
R/O SANGAPUR VILLAGE, NEAR KARADIGUDDA,
TQ. MANVI, DIST. RAICHUR 584123

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO, A) SET ASIDE THE IMPUGNED ORDER DATED 17.12.2022 IN O.S.NO.135/2022 PASSED BY THE LEARNED CIVIL JUDGE AND JMFC, MANVI VIDE ANNEXURE-D AND IMPUGNED ORDER DATED 01.10.2024 IN MA NO.6/2023 PASSED BY THE

Digitally signed by
NIJAMUDDIN
JAMKHANDI
Location: HIGH
COURT OF
KARNATAKA



LEARNED SENIOR CIVIL JUDGE AND JMFC, MANVI VIDE ANNEXURE-F, B) PASS SUCH OTHER ORDERS OR DIRECTIONS AS THIS HONOURABLE COURT DEEMS JUST AND PROPER UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE AND ALLOW THIS WRIT PETITION.

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 petition is filed under Articles 226 and 227 of the Constitution of India seeking the following reliefs:

"A) Set aside the impugned order dated 17.12.2022 in O.S.No.135/2022 passed by the Learned Civil Judge and JMFC, Manvi vide Annexure-D and impugned order dated 01.10.2024 in MA No.6/2023 passed by the learned Senior Civil Judge and JMFC, Manvi vide Annexure-F,

B) Pass such other orders or directions as this Honourable Court deems just and proper under the facts and circumstances of the case and allow this writ petition"

2. Heard learned counsel for the petitioner.



3. Respondent herein had filed OS No.135/2022 before the jurisdictional Civil Court with a prayer for granting decree of permanent injunction in respect of suit schedule property bearing Sy.No.97/E measuring 1 acre 20 guntas situated at Nassalapur village, Dist. Raichur. Along with the said suit, she had filed I.A.No.I under Order 39 Rule 1 and 2 of CPC seeking the order of temporary injunction, restraining the defendant from interfering with the peaceful possession and enjoyment of the suit schedule property. The said application was opposed by the defendants by filing objections. Trial Court vide order dated 17.12.2022 had allowed the I.A.No.I. Assailing the same, petitioner had filed MA No.06/2023 before the Court of Senior Civil Judge and JMFC, Manvi, which was dismissed by the Appellate Court, vide the impugned order dated 01.10.2024. Assailing the aforesaid two orders, the petitioner/defendant is before this Court.

4. Perusal of the material on record would go to show that the plaintiff had produced before the Trial Court



the order dated 12.12.1984 and Saguvali Chit issued by the Tahasildar, Manvi, which would go to show that the suit schedule property was granted in favour of her husband and he also had paid the upset price and survey charges to the State. Based on the Saguvali chit, the name of plaintiff's husband was entered in the revenue records of the land in question. Insofar as the defendant is concerned, no document was produced in support of her case and on the other hand, she had contended that her father in law was in possession and enjoyment of the suit schedule property unauthorizedly and after his death, she had continued in possession and enjoyment of the property. The Trial Court having appreciated that the plaintiff has produced necessary material in support of her case and had made out prima facie case and also taking into consideration that the balance of convenience lies in favour of the plaintiff, has granted an order of temporary injunction in her favour. The Appellate Court having appreciated the aforesaid aspects of the matter, has



rightly confirmed the order passed by the Trial Court on I.A.No.I filed in OS No. 135/2022.

5. The scope for this Court in exercising its powers under Article 227 of the Constitution of India to interfere with the concurrent finding recorded by the two Courts is very narrow. Unless it is found that the orders impugned are perverse and are passed without taking into consideration the material available on record, this Court cannot interfere with the concurrent findings recorded by the Courts below. Therefore, I am of the opinion that this writ petition is liable to be rejected.

6. Accordingly, the following:

ORDER

Writ petition is ***dismissed***.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE