



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

MISCL. FIRST APPEAL NO.204503 OF 2025 (CPC)

BETWEEN:

TYAGARAJ S/O UMAKANTH HANGARAGI,
AGE: 25 YEARS, OCC: AGRICULTURE,
R/O GAROOR (B),
TQ. AND DIST. KALABURAGI-585 265.

...APPELLANT

(BY SRI SHARANABASAPPA K. BABSHETTY, ADVOCATE)

AND:

SIDDARAM S/O LATE SHIVASHARANAPPA,
SINCE DECEASED BY HIS LR'S,

1. SHARANAMMA
W/O LATE SIDDARAM HANGARGI,
AGE: 54 YEARS, OCC: HOUSE-HOLD,
2. ANILKUMAR S/O LATE SIDDARAM HANGARGI,
AGE: 32 YEARS, OCC: PRIVATE SERVICE,
3. CHAMRAJ S/O LATE SIDDARAM HANGARGI,
AGE: 28 YEARS, OCC: PRIVATE SERVICE,
4. UMAKANT
S/O SHIVASHARNAPPA HANGARGI,
AGE: 56 YEARS,



5. CHANDRAKANT
S/O SHIVASHARNAPPA HANGARGI,
AGE: 52 YEARS,
OCC: AGRICULTURE/PRIVATE SERVANT,
THROUGH GPA HOLDER VISHWANATH APP NO.3.
6. VISHWANATH
S/O SHIVASHARNAPPA HANGARGI,
AGE: 52 YEARS,
OCC: AGRICULTURE/PRIVATE SERVANT,
7. HANMANTHRAYA
S/O SHIVASHARNAPPA HANGARGI,
AGE: 45 YEARS,
OCC: AGRICULTURE/PRIVATE SERVANT,

ALL ARE R/O RAJAPUR,
TQ. AND DIST. KALABURAGI-585 104.
8. MAHADEV W/O BASAVARAJ SALAGAR,
AGE: 56 YEARS, OCC: BUSINESS,
R/O H.NO.1-9/280, GARDEN ROAD,
NEAR SIKAMDARIYA MAJID, KHUBA PLOT,
KALABURAGI-585 102

...RESPONDENTS

(BY SRI SUBHASH MALLAPUR, ADVOCATE FOR
R1, R2, R3 AND R5 TO R7;
SRI B.V. JALDE, ADVOCATE FOR R4)

THIS MFA IS FILED UNDER ORDER XLIII RULE 1(r) OF
CPC, PRAYING TO ALLOW THE APPEAL AND SET-ASIDE THE
ORDER DATED 14.08.2025 ON I.A. NO.I PASSED BY THE
IV ADDL. SENIOR CIVIL JUDGE AT KALABURAGI, IN O.S.
NO.236/2024.

THIS APPEAL COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

Heard the learned counsel appearing for the parties.

2. This appeal is preferred by the plaintiff, assailing the order dated 14.08.2025 in O.S. No.236/2024 on the file of the IV Additional Senior Civil Judge, Kalaburagi (for short 'the Trial Court'), dismissing I.A. No.I filed by the plaintiff under Order XXXIX Rule 1 and 2 of CPC.

3. Having heard the learned counsel appearing for the parties and taking into account the finding recorded by the Trial Court on I.A. No.I, it is not in dispute that, the suit is one for partition and separate possession in respect of the suit schedule properties filed by the plaintiff in O.S. No.236/2024. The said suit was contested by the defendants by filing the written statement. In the meanwhile, the plaintiff has filed I.A. No.I under Order XXXIX Rule 1 and 2 of CPC, seeking temporary injunction



against the defendants, restraining them from alienating the suit schedule properties situate at Rajapur. The said application was contested by the defendants.

4. Having taken note of the submissions made by the learned counsel appearing for the parties, the finding recorded by the Trial Court would indicate that, a registered release deed, registered sale deed and such other documents have been executed amongst the members of the joint family, which are related to the suit schedule properties and it is also to be noted from paragraph 9(a) of the impugned order that, defendant No.4 has released his share in favour of his brothers and thereafter, some sale transactions have been taken place in respect of the portion of the property in question. In that view of the matter, I am of the view that, the finding recorded by the Trial Court is just and proper and no interference is called for in this appeal, as there is no perversity in the order passed by the Trial Court.



5. In the result, the appeal fails and is accordingly dismissed.

6. The Trial Court is directed to expedite the hearing.

Sd/-
(E.S.INDIRESH)
JUDGE

LG
List No.: 1 Sl No.: 36