



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 29795 OF 2025 (GM-CPC)

BETWEEN:

SMT. SRIDEVI,
W/O LATE C M NARAYANASWAMY,
AGED ABOUT 51 YEARS,
R/AT CHIKKANAHALLI VILLAGE,
KEMPAGANAHALLI POST,
NANDAGUDI HOBLI, HOSAKOTE TALUK,
BENGALURU RURAL DISTRICT.

...PETITIONER

(BY SRI. DAYANANDA K G.,ADVOCATE)

AND:

SRI K R KESHAVA REDDY,
S/O K RAMA REDDY,
AGED ABOUT 52 YEARS,
R/AT NO.24, 1ST 'A' CROSS,
5TH MAIN, DOMLUR II STAGE,
BENGALURU - 560 071.

...RESPONDENT

(BY SRI. AMIT ANAND DESHPANDE, ADVOCATE)



THIS W.P IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN R A NO.96/2025 ON THE FILE OF I ADDL. DISTRICT AND SESSIONS JUDGE, AT BENGALURU RURAL DISTRICT AT BENGALURU AND ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION QUASHING THE ORDER DATED 22.9.2025 IN R A NO.96/2025 ON THE FILE OF I ADDL. DISTRICT AND SESSIONS JUDGE, AT BENGALURU RURAL DISTRICT AT BENGALURU, SO FAR IT RELATES TO DECLINING TO STAY IMPUGNED JUDGMENT AND DECREE, VIDE ANNEXURE-F AND ETC.,

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



CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the appellant in R.A.No.96/2025 is directed against the impugned order dated 22.09.2025, whereby the 1st appellate court declined to pass the order of stay in the appeal filed by the petitioner – appellant and directed issuance of summons and emergent notice to the respondent.

2. Heard learned counsel for the petitioner and learned counsel for the respondent and perused the material on record.

3. A perusal of the material on record will clearly indicate that the respondent – plaintiff instituted a suit in O.S.No.1945/2022 against the petitioner – defendant for declaration and other reliefs in respect of the suit schedule immovable property. By judgment and decree dated 30.08.2025, the said suit was decreed in favour of the respondent – plaintiff against the petitioner – defendant, who preferred an appeal in R.A.No.96/2025 before the 1st appellate court. In the said appeal, the petitioner having filed an application for stay of the judgment and decree passed by the trial court, the 1st appellate court directed issuance of notice to the respondent and as such, the petitioner has approached this Court by way of



the present petition, in which, the co-ordinate Bench of this Court passed the following status-quo order on 03.11.2025, which reads as under:-

Sri M.R. Rajagopal, the learned Senior Counsel for the petitioner, is heard on the grant of ad interim order.

The appellant, the defendant in O.S.No.1945/2022 on the file of the Senior Civil Judge and JMFC, Hosakote [for short, 'the civil Court'], has successfully contested the respondent's application for temporary injunction, but has lost in the suit. The civil Court has decreed the respondent's suit by the judgment dated 30.08.2025 in favour of the respondent holding that:

[a] *the lands in the survey Nos.144 and 70/P19 of Yelachanahalli village, Nandagudi Hobli, Hosakote Taluk, which make the suit schedule properties, are one and the same and he is the owner of these lands, and*

[b] *the petitioner is restrained from alienating or creating any third-party interest in these properties.*

The petitioner has availed remedy under Section 96 of CPC along with an application for stay, but the appellate Court, by the impugned order, has only issued emergent notice on the appeal and the application for stay.

Sri M.R.Rajagopal submits that [i] voluminous records have been produced by both the parties to substantiate the rival case that the lands in Sy.No.144 and Sy.No.70/P19 are either different or the same lands, [ii] this requires reconsideration upon re-examination of the evidence, [iii] this Court, while considering the merits of the



concurrent findings on the respondent's application for temporary injunction in WP No.11252/2011 has prima facie opined that the respondent has failed to establish possession and undisputedly the revenue records for the land in Sy.No.144 stand in the name of the petitioner, and [iv] this Court must grant stay at this stage lest the petitioner's possession be disturbed.

In consideration of these submissions, the interim order is granted directing both the parties to maintain status quo insofar as to land in Sy.No.144 of Yelachanahalli Village, Nandagudi Hobli, Hosakote Taluk measuring 1 acres 38 guntas, including 2 guntas of karab [the plaint schedule 'C' property] staying the operation of the civil Court's judgment and decree dated 30.08.2022 in O.S.No.1945/2022 on the file of the Senior Civil Judge and JMFC, Hoskote.

There shall be emergent notice returnable within three weeks to the respondent.

The aforesaid status-quo order passed by this Court shall continue to remain in force and operate between the parties.

4. The material on record will indicate that the main appeal in R.A.No.96/2025 currently stands posted before the 1st appellate court on **05.03.2026**. Under these circumstances, having regard to the fact that the said appeal itself would have to be disposed of by considering the rival contentions of both sides, I deem it just and



appropriate to dispose of this petition by issuing certain directions in this regard.

5. In the result, I pass the following:-

ORDER

- (i) Petition is hereby disposed of without interfering with the impugned order.
- (ii) The 1st appellate court, before whom R.A.No.96/2025 said to be posted on **05.03.2026**, is directed to postpone / advance the appeal from **05.03.3026** to **02.02.2026**.
- (iii) Liberty is reserved in favour of both the parties to file an application for postponement / advancement, which shall be considered by the 1st appellate court, pursuant to which, the 1st appellate court shall postpone/advance the matter from **05.03.3026** to **02.02.2026**.
- (iv) The 1st appellate court shall hear both sides and dispose of the appeal as expeditiously as possible on merits within a period of two months from **02.02.2026**.
- (v) It is further directed that without prejudice to the rights and contentions of the parties, the status-quo order passed by this Court shall continue to remain in force and operate between the



parties and the 1st appellate court shall dispose of the appeal on merits without being influenced by the findings and observations, if any, recorded in the said order of status-quo or by this order.

(vi) It is needless to state that any act, deed or thing done by either of the parties during the pendency of the suit and in the appeal, shall be subject to the final outcome of the appeal and neither party shall claim any equity in this regard.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**

Srl.