



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.202564 OF 2025 (GM-CPC)

BETWEEN:

1. NINGAMMA
W/O SIDDALINGAPPA,
AGE. 31 YEARS, OCC. HOUSEHOLD
R/O LINGASUGUR, TQ. LINGASUGUR
DIST. RAICHUR-584122.
2. GADDEMMA
W/O YAMANAPPA,
AGE. 53 YEARS, OCC. AGRICULTURE AND
HOUSEHOLD
R/O LINGASUGUR, TQ. LINGASUGUR,
DIST. RAICHUR-584122.

...PETITIONERS

(BY SRI. B. K. HIREMATH, ADVOCATE)

AND:

1. LAXMI W/O FARUQ,
AGED 36 YEARS, OCC. AGRICULTURE AND
HOUSEHOLD
R/O DINSAI GALLI, LINGASUGUR,
TQ. LINGASUGUR, DIST. RAICHUR-584122.
2. AMARESH S/O HANUMANTHA,
AGED 25 YEARS, OCC. AGRICULTURE
R/O DINSAI GALLI, LINGASUGUR,
TQ. LINGASUGUR DIST. RAICHUR-584122.





3. PARAVATI D/O HANUMANTHA,
AGED 18 YEARS, OCC. AGRICULTURE
R/O DINASAI GALLI, LINGASUGUR
TQ. LINGASUGUR DIST. RAICHUR-584122.
4. HANUMAWWA W/O HANUMANTHA
AGED 49 YEARS, OCC. AGRICULTURE
R/O DINASAI GALLI, LINGASUGUR
TQ LINGASUGUR DIST. RAICHUR-584122.
5. MOHAMMED RAFI
S/O MAHEBOOB HUSSAIN,
AGED 48 YEARS, OCC. BUSINESS
R/O LINGASUGUR TOWN, TQ. LINGASUGUR
DIST. RAICHUR-584122.
6. SHIVAKUMAR REDDY
S/O AYYANNA REDDY,
AGED 45 YEARS, OCC. OWNER OF S L V MOBILE
CENTRE, SWAMY VIVEKANAND NAGAR,
R/O LINGASUGUR TOWN,
TQ LINGASUGUR DIST. RAICHUR-584122.
7. CHIEF OFFICER,
TMC OFFICE AT LINGASUGUR
TQ. LINGASUGUR
DIST. RAICHUR-584122.

...RESPONDENTS

(BY SRI. AJAYKUMAR A. K, ADVOCATE FOR R6;
V/O DATED 03.06.2026 NOTICE TO OTHER RESPONDENT
D/W)

THIS WRIT PETITION IS FILED UNDER ARTICLES 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO ALLOW THE WRIT
PETITION FILED BY THE PETITIONERS AND, 1) ISSUE A WRIT OF
CERTIORARI QUASHING THE IMPUGNED ORDER PASSED BY
SR. CIVIL JUDGE AND JMFC LINGASUGUR IN MA NO. 12/2025
ON 01.08.2025 VIDE ANNEXURE-F, IN THE INTEREST OF
JUSTICE AND EQUITY AND CONFIRM THE ORDER PASSED BY
THE PRL. CIVIL JUDGE AND JMFC LINGASUGUR IN OS NO.



65/2025 DATED 25-06-2025 ON I.A NO. 3II) ISSUE WRIT OF MANDAMUS DIRECTING RESPONDENT NO.6 NOT RAISE CONSTRUCTION OVER THE SUIT SCHEDULE PROPERTY AND BE RESTRAINED FROM FURTHER CONSTRUCTION OVER SUIT SCHEDULE PROPERTY, IN THE INTEREST OF JUSTICE AND EQUITY. III) PASS ANY OTHER ORDER/S AS THIS HON'BLE COURT DEEMS FIT UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE AND EQUITY.

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

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

ORAL ORDER

1. This petition by the plaintiffs in O.S.No.65/2025 is directed against the impugned order dated 01.08.2025 passed in M.A.No.12/2025 by the Senior Civil Judge and JMFC Court, Lingasugur, whereby, the said appeal filed by the respondent No.6/defendant No.6 against the order on I.A.No.3 dated 25.06.2025 passed in O.S.No.65/2025 by the trial Court was set aside by the first appellate Court.

2. Heard the learned counsel for the petitioners/plaintiff, learned counsel for the respondent No.6/defendant No.6 and perused the material on record.



3. Notice to the remaining respondents is dispensed with, since no relief is sought against them and respondent No.6/defendant No.6 is the only contesting party to the present petition.

4. A perusal of the material on record will indicate that, the petitioners/plaintiffs instituted the aforesaid suit against the respondents/defendants for partition and separate possession of their alleged share in the suit schedule immoveable properties for declaration and for other reliefs. The said suit being contested by the defendants including defendant No.6/respondent No.6. In the suit, the petitioners/plaintiffs having filed an application i.e. I.A.No.3 for temporary injunction restraining the respondent No.6/defendant No.6 from putting up any construction over the suit property i.e. TMC Plot No.2-12-165, measuring east-west 10 feet and north-south 15 feet, the trial Court passed an order 25.06.2025 allowing the application and restraining the respondent No.6/defendant No.6 from putting up any construction over the suit schedule property. Aggrieved by the said order, the respondent No.6/defendant No.6 filed an



appeal in M.A.No.12/2025 which was allowed by the first appellate Court by passing the impugned order thereby setting aside the order of temporary injunction passed by the trial Court. Aggrieved by the impugned order passed by the first appellate Court, the petitioners/plaintiffs are before this Court by way of the present petition.

5. Learned counsel for the respondent No.6/defendant No.6 has filed a memo enclosing a copy of the latest photograph in respect of the construction being put up over the suit schedule property and submits on instructions that, in the event respondent No.6 were to be permitted to complete the aforesaid construction, the respondent would not claim any equity as regards the construction put up on the suit schedule property and that the same may be made subject to final outcome of the suit and without prejudice to the rights and contentions of the parties. The memo along with the photographs as well as the submissions made on behalf of the respondent No.6/defendant No.6 is placed on record. As can be seen from the aforesaid photographs produced by the respondent



No.6/defendant No.6, the construction of the building on the suit schedule property has been substantially completed.

6. Under these circumstances, though several contentions have been urged by both sides in support of their respective claims, I deem it just and proper to dispose of this petition by modifying the order dated 25.06.2025 passed on I.A.No.3 in O.S.No.65/2025 as well as the impugned order dated 01.08.2025 passed in M.A.No.12/2025 and dispose of this petition by issuing certain directions to the parties as well as to the trial Court.

7. Accordingly the following:

ORDER

- (i) The petition is disposed of;
- (ii) The order dated 25.06.2025 passed on I.A.No.3 in O.S.No.65/2025 is hereby modified;
- (iii) The impugned order dated 01.08.2025 passed in M.A.No.12/2025 is also hereby modified;



(iv) The respondent No.6/defendant No.6 is permitted to complete the construction being put up on the suit schedule property which would be subject to the final outcome of the suit and without prejudice to the rights and contentions of the parties and the respondent No.6/defendant No.6 shall not claim any equities in this regard;

(v) That apart, it is further directed that, except completing the construction already being put up on the suit schedule property, the respondent No.6/defendant No.6 shall not put up any additional/further construction over the suit schedule property;

(vi) It is also directed that, upon completion of the construction being put up on the suit schedule property, the respondent No.6/defendant No.6 shall not alienate, encumber or dispose of or create any third party right over the suit schedule property, till dispose of the suit;

(v) Since the pleadings of the parties are complete and both parties are ready to co-operate with the trial Court



for expeditious disposal of the suit, I deem it just and appropriate to direct the trial Court to dispose of the suit within a period of six months from the date of receipt of a copy of this order.

(vi) All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the merits/demerits of the rival contentions.

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

SVH
LIST NO.: 1 SL NO.: 18
CT:SI