

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF DECEMBER, 2015

BEFORE

THE HON'BLE MR.JUSTICE ANAND BYRAREDDY

WRIT PETITION No.54817 OF 2015 (GM-CPC)

Between:

Sri. A.V. Niranjana Murthy,
S/o Late Adi Mane Veeranna,
Aged about 59 years,
Residing at Channammanagathihalli Village,
Parasuramapura Hobli,
Challakere Taluk,
Chitradurga District – 577 538.

...Petitioner

(By Sri. Srikanth.M.P, Advocate)

And:

Sri. A. Somasunder @ Adi Mane Raj,
S/o Late Adi Mane Veeranna,
Aged about 52 years,
Working at Kurvathappa & Sons,
Adjacent to Bus Stop,
Challakere Taluk,
Chitradurga District – 577 522.

...Respondent

This writ petition is filed under Article 227 of the Constitution of India praying to set aside the order dated 05.08.2015 passed on I.A.No. 2 in FDP No. 1/2015 at Annex-J BY THE Senior Civil Judge, Challakere.

This writ petition coming on for Preliminary Hearing this day, the Court made the following:

ORDER

The petitioner is said to be the plaintiff before the Court below and the suit having been decreed in part, it was challenged by way of an appeal and the appeal having been allowed and the judgment and decree of the trial Court having been set aside, the appellant had filed a second appeal before this Court. In the second appeal on the appellate side of this Court, there was an order of *status-quo* granted. In spite of it, the respondents had initiated final decree proceedings. The petitioner, therefore, had raised an objection to the very entertainment of the final decree proceedings on the footing that there was an order of *status-quo* granted by this

Court. In spite of which, the proceedings having been entertained, the petitioner is before this Court.

2. Since the proceedings initiated are alleged to be in violation of the order passed by this Court on its appellate side, it is appropriate for the petitioner to seek clarification from the same Bench and the present petition is misconceived. The petition is disposed of without prejudice to any remedy that the petitioner may be entitled to before the appellate Bench.

**Sd/-
JUDGE**

KM