

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29<sup>th</sup> DAY OF JUNE, 2018

BEFORE

THE HON' BLE MR. JUSTICE S.G. PANDIT

**WRIT PETITION No.3319/2017 (GM - CPC)**

**Between:**

1. Sri.Balari Rai @  
Balari V.Shetty,  
Aged about 37 years,  
S/o. Sri.Vinay Kumar Shetty,  
R/a. Swathi Nilaya,  
Ratnagiri, Bore Extension,  
Chikkamagaluru-577 101.
2. Sri.Narayana Gowda,  
Aged about 50 years,  
S/o. Rudregowda,  
R/a. Kuvempu Nagar,  
Chikkamagaluru-577 101.
3. Smt. H.N.Sujatha,  
Aged about 45 years,  
W/o. Sri.Narayana Gowda,  
R/a. Kuvempu Nagar,  
Chikkamagaluru-577 101. ... Petitioners

(By Sri. N.Shankaranarayana Bhat, Adv.)

**And**

1. Smt.Nigar Khan,  
Aged about 49 years,  
W/o. Sri.Fazal Mohammed Khan,  
House wife,  
R/at No.8154, Nigar Villa,  
Nehru Nagar Main Road,  
Chikkamagaluru-577 101.
2. Sri. Fazal Mohammed Khan,  
Aged about 58 years,  
S/o. late Nazar Mohammed Khan,  
R/at No.8154, Nigar Villa,  
Nehru Nagar Main Road,  
Chikkamagaluru-577 101. ... Respondents

This writ petition is filed under Article 227 of the Constitution of India praying to call for records. Set aside the order of the Court of the III Additional Civil Judge and JMFC, Chikkamagaluru in O.S.No.34/2015 on I.A.No.1 dated 09/04/2015 vide Annexure-G.

Set aside the order of the Court of the III Additional Senior Civil Judge, Chikkamagaluru in M.A.No.30/2015 dated 22/10/2016 vide Annexure-H.

This writ petition coming on for preliminary hearing this day, the court made the following:

**ORDER**

The petitioners are before this Court challenging the Order dated 09/04/2015 on I.A.No.1 in

O.S.No.34/2015 and Order dated 22/10/2016 passed in M.A.No.30/2015 on the file of III Additional Civil Judge and JMFC, Chikkamagaluru.

2. The petitioners are defendants and the respondents are plaintiffs. The plaintiffs have filed a suit for permanent injunction in O.S.No.34/2015. Along with the suit, they also filed an application I.A.No.1 under Order 39 Rule 1 and 2 CPC which was allowed on 09/04/2015 restraining the defendants from interfering with the plaint suit schedule property. The defendants/petitioners herein filed M.A.No.30/2015 is dismissed by order dated 20/10/2016, confirming the order passed by the trial Court dated 09/04/2015 in O.S.No.34/2015. Both orders are under challenged in the present writ petition.

3. Heard the learned counsel for the petitioners. Both the Courts on examination of the

material on record have come to a right conclusion. The Court below have concurrently held against the petitioners. The petitioners have not made out any case to interfere with the concurrent findings recorded by both the courts below.

Accordingly, writ petition is disposed of.

**Sd/-  
JUDGE**

KG/SJK