



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 31<sup>ST</sup> DAY OF JANUARY, 2025**

**BEFORE**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION NO. 17820 OF 2019 (GM-CPC)**

**BETWEEN:**

SRI MURUGAN  
AGED ABOUT 53 YEARS  
S/O SRI. VADIYAPPA  
KINNIMULKY -576 101.  
BANESETTU COMPOUND  
UDUPI TALUK & DISTRICT.

...PETITIONER

(BY SRI.VEERESH M.UPPIN, ADVOCATE FOR  
SRI.CHANDRANATH ARIGA K., ADVOCATE)

**AND:**

1. SMT.SOPHIYA RIYAN AIMAN  
AGED ABOUT 28 YEARS  
D/O LATE GLADWIN SUNEETHA AIMAN  
KALMANE ROAD,  
H.NO.16-7-475/2  
KANKANADI -575 002  
MANGALURU TALUK  
D.K. DISTRICT  
REP. BY HER HUSBAND &  
GPA HOLDER  
JERALD SWAROOP KUMAR JATHANNA

2. SRI. SHESHAPPA SHETTY  
AGED ABOUT 64 YEARS  
S/O SRI. KORAGAPPA SHETTY  
"ASHIRVAD",  
JEPINA MOGARU -575 007  
MANGALURU TALUK  
D.K. DISTRICT.

...RESPONDENTS

(BY SRI. S.K.ACHARYA, ADVOCATE)

Digitally signed  
by MEGHA  
MOHAN  
Location: HIGH  
COURT OF  
KARNATAKA



THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE ORDER DATED 2.3.2019 IN M.A.NO.37/2018 PASSED BY THE PRINCIPAL SENIOR CIVIL JUDGE, UDUPI VIDE ANNEXURE-K.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

### **ORAL ORDER**

The present writ petition is filed aggrieved by the order passed in I.A.No.2 in M.A.No.37/2018 dated 02.03.2019, by the Principal Senior Civil Judge, Udupi, whereby the Trial Court had allowed the appeal filed by the plaintiffs and granted temporary injunction against the defendant from obstructing the possession of the plaintiffs in respect of suit schedule property till disposal of the suit. Aggrieved thereby the defendant is before this Court.

2. The order is passed in M.A.No.37/2018 dated 02.03.2019 and in this writ petition, there is no interim order in favour of the defendant. The suit is of the year 2018 and right from 2019 till the last six years, the plaintiffs are having the benefit of injunction. At this stage, this Court is not inclined to go into the merits of the matter, ends of justice would be met by disposing of this application by directing the Trial Court to



expeditiously decide the matter. In that view of the matter this Court is passing the following:

**ORDER**

- i. Without going into the merits of the matter as the plaintiffs are enjoying the injunction from the year 2019, the Trial Court shall dispose off the suit as expeditiously as possible.
- ii. Accordingly, the writ petition is ***disposed off***.
- iii. All I.As., in the writ petition shall stand closed.

**SD/-  
(LALITHA KANNEGANTI)  
JUDGE**

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List No.: 2 Sl No.: 4