

(2010) 12 KAR CK 0003  
Karnataka High Court  
Case No: Writ Petition No. 41556 of 2010

Dattappa Bandiwadar

APPELLANT

Vs

Ramappa Bandiwadar  
and Shamu  
Bandiwadar

RESPONDENT

---

Date of Decision: Dec. 28, 2010

Acts Referred:

- Civil Procedure Code, 1908 (CPC) - Order 39 Rule 2A, 151

Hon'ble Judges: A.N. Venugopala Gowda, J

Bench: Single Bench

Advocate: G.G. Chagashetti and I.R. Biradar, for the Appellant;

Final Decision: Dismissed

---

### Judgement

@JUDGMENTTAG-ORDER

A.N. Venugopala Gowda, J.

Heard the learned Counsel for the Petitioner and perused the writ petition papers.

2. Petitioner is the first Defendant in a suit instituted by the first Respondent ie., O.S. 281/2009 on the file of the Civil Judge, Junior Division, Sindagi. The Petitioner by filing written statement has contested the Plaintiffs claim to the suit property. I.A. No. 1 filed by the Plaintiff seeking an order of injunction, though was objected, after hearing both sides the Trial Court has passed an order of temporary injunction against the Petitioner. The said order continues to operate as on date, since the same has remained unchallenged. However it is to be noted that the Petitioner is stated to have filed application under Order 39, Rule 4 of CPC for vacating temporary injunction.

3. Plaintiff had filed I.A. No. 5 under Rule 2(A) Order 39 and IA. No. 6 u/s 151 CPC to extend police protection. The Trial Court found I.A. No. 5 to be untenable. It has

allowed I.A. No. 6 and has directed the police to extend protection. Aggrieved, the Defendant has filed this writ petition.

4. The first Respondent/Petitioner is an Advocate. An order of temporary injunction has been passed after hearing the Petitioner. The said order has not been questioned by filing miscellaneous appeal. In the circumstances, the order passed on IA. No. 6, impugned herein, is neither irrational nor illegal. Hence no interference is called for.

Writ petition stands rejected.