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Gowramma vs S P Muddaiah

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Court : Karnataka Orders

Decided On : Feb-03-2026

Judge : S.R.Krishna Kumar

Appeal No. : WP/27773/2024

Appellant : Gowramma

Respondent : S P Muddaiah

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF FEBRUARY, 2026 BEFORE THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR WRIT PETITION NO. 27773 OF 2024 (GM-CPC) BETWEEN: GOWRAMMA AGED ABOUT 53 YEARS, DAUGHTER OF LATE MATADA BALAIAH, RESIDING AT KR BADAVANE, WARD NO. 17, MADHUGIRI TOWN, MADHUGIRI TALUK, TUMAKURU 572 132 PETITIONER (BY SRI. KASHYAP N NAIK.,ADVOCATE) AND:

S P MUDDAIAH SON OF PUTTAGANGAIAH, RESIDENT OF SIDDAPURA, KASABA HOBLI, MADHUGIRI TALUK, TUMAKURU Digitally signed (SINCE

DEAD, BY LRS) by CHANDANA BM Location: High 1. SHIVAMMA Court of WIFE OF LATE MR. S.P. MUDDAIAH, Karnataka AGED ABOUT 84 YEARS

2. S.M. SHIVAKUMARAIAH AGED ABOUT 63 YEARS

3. S.M. MAHESHWARADYA AGED ABOUT 51 YEARS

4. SOWBHAGYA

DAUGHTER OF S.P. MUDDAIAH, AGED ABOUT 68 YEARS -2- ALL ARE RESIDING AT SIDDAPURA, KASABA HOBLI, MADHUGIRI TALUK 572 132 RESPONDENTS (BY SRI. PRAVEEN KUMAR RAIKOTE ,ADVOCATE FOR R1 TO R4) THIS WP IS FILED UNDER ARCLES 226 AND 227 OF THE

CONSTITUTION OF INDIA PRAYING TO-DIRECT QUASHING THE IMPUGNED ORDER DTD 05.11.2019 PASSED BY THE PRL. CIVIL JUDGE AND JMFC, MADHUGIRI ALLOWING EX. NO. 46/2010 (ANNEXURE-A) IN THE ALTERNATIVE, PASS AN APPROPRIATE DIRECTION FOR DIGITAL SURVEY OF THE DISPUTED LANDS TO PROPERLY IDENTIFY THE ALLEGEDLY ENCROACHED PORTION OF THE RESPONDENTS LANDS AND ACCORDINGLY MODIFY THE IMPUGNED ORDER DTD ANNX-A 05.11.2019 VIDE ANNEXURE -A PASSED BY THE PRL. CIVIL JUDGE AND JMFC, MADHUGIRI TO THAT EXTENT BY PROPERLY IDENTIFYING THE LANDS TO BE HANDED OVER TO THE RESPONDENTS.

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

Learned counsel for the petitioner seeks the following reliefs:

i) Issue a Writ of Certiorari or such other appropriate writ/s or directions quashing the impugned order dated 05.11.2019 passed by the Principal Civil Judge & JMFC, Madhugiri allowing Ex.No.46/2010 (Annexure-A); ii) In the alternative, pass an appropriate direxction for digital survey of the disputed lands to properly identify the allegedly encroached portion of the Respondents lands and accordingly modify the impugned order dated 05.11.2019 (Annexure-A) passed by the Principal Civil -3-

Judge and JMFC, Madhugiri to that extent by properly identifying the lands to be handed over to the Respondents; and iii) Grant such other relief/s as this Honble Court may deem fit, in the interests of justice and equity.

2. Learned counsel for the respondents has filed a memo dated 28.10.2024 enclosing a copy of the order passed in the instant Ex.No.46/2010, which stood closed vide order dated 17.12.2024.

3. The memo and documents are placed on record.

4. In view of the aforesaid memo, the petition is disposed of as having become infructuous. Sd/- (S.R.KRISHNA KUMAR) JUDGE BMC List No.: 1 Sl No.: 26

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