



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.222 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. K. RAVISHANKAR,
S/O LATE K.C.DODDAHONNAIAH,
AGED ABOUT 65 YEARS,
2. SMT. SHYLAJA,
W/O SRI K.RAVISHANKAR,
AGED ABOUT 56 YEARS,

BOTH ARE RESIDING AT
"SRI HONNU",
MALLGATTA,
BEGUR ROAD, WARD NO.2,
KUNIGAL TALUK,
TUMKUR DISTRICT - 572 101.

3. SRI. D. SOMASHEKAR,
S/O LATE SRI. K.C.DODDAHONNAIAH,
AGED ABOUT 56 YEARS,
4. SMT. K. BHARATHI,
W/O SRI. D. SOMASHEKAR,
AGED ABOUT 45 YEARS,

BOTH ARE RESIDING AT
"SRINIDHI SAMRUDHI NILAYA",
NEAR GOVERNAMENT SCHOOL,
B.M.ROAD, BIDANAGERE,
WARD NO.1, KUNIGAL TALUK,
TUMKUR DISTRICT - 572 101.

...PETITIONERS

(BY DR.LAVANYA RAMESH, ADVOCATE FOR
SRI. RAMESHA V K., ADVOCATE)



AND:

SRI. B.K.NARAYANAMURTHY,
S/O LATE KRISHNAIAH SHETTY,
AGED ABOUT 67 YEARS,
RESIDING AT VASAVI BEEDI,
WARD NO.11, RAJKUMAR NAGAR,
KUNIGAL TOWN, KUNIGAL TALUK,
TUMKUR DISTRICT - 572 101.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER PASSED BY THE II ADDL. DISTRICT AND SESSION JUDGE AT TUMKUR IN MA.No.21/2025 DATED 08/10/2025 VIDE ANNEX-A; (II) TO SET ASIDE THE ORDER PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT KUNIGAL IN O.S.NO.18/2023 DATED 24-07-2024 BY ALLOWING THE I.A.NO.III FILED UNDER ORDER 39 RULES 1 AND 2 CPC FILED BY THE PLAINTIFFS VIDE ANNEX-B AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 24.07.2024 passed in I.A.No.III in O.S.No.18/2023 by the Senior Civil Judge & JMFC, Kunigal, which was affirmed by the order dated 08.10.2025 passed in M.A.No.21/2025 by the II Addl. District and Sessions Judge, Tumkur, the plaintiffs are before this Court.

2. The plaintiff herein has filed a suit for declaration and injunction. In that suit, I.A.No.III was filed seeking the



relief of a temporary injunction restraining the defendants from alienating the suit schedule property. That was dismissed by the trial Court. The matter is carried in appeal, and the Appellate Court has confirmed the order of the trial Court.

3. The Appellate Court, while confirming the order passed by the trial Court, observed that the respondent herein has filed O.S.No.395/2016, in which he sought a temporary injunction, which was granted. Against that, M.A.No.7/2021 is filed before the Addl. Senior Civil Judge and JMFC, Kunigal, and the miscellaneous appeal filed by the plaintiff herein in the said suit is dismissed. The Court also observed that, as per the recitals of the sale deed, the property of the defendant in the present suit is located to the east of Begur Road, and the property of the plaintiff is located to the west of Begur Road. The revenue sketches produced by Ravishankar (plaintiff in the said suit), prepared in RRT proceedings, disclose that the property of Ravishankar is located on both sides of Begur Road, which is contrary to the sale deed of Ravishankar. The plaintiff herein has placed the sketch prepared as per possession, and the Court has observed that the defendant has purchased the property and got the revenue records mutated in his name. But



the plaintiff, behind the defendant's back, deleted the name in the revenue records, and the respondent's possession was not at all disturbed by the plaintiff. As per the sketch relied on by the parties, the land of the appellants is situated on both sides of the road. As such, they might have attempted to put fencing, including four guntas of land purchased by the defendant.

4. The Court has also observed that, at this stage, the documents relied on by the plaintiffs are compared with the defendants' documents. There is doubt regarding the plaintiffs' title in respect of the suit schedule property. There is also a difference in the boundaries of the plaintiffs' schedule property and the schedule property in the written statement. If so, all these aspects require a full-fledged trial. When there is no averment in the plaint that the defendants alienated the suit schedule property, the question of granting the said relief as per I.A.No.III to the plaintiffs does not arise, and accordingly, the application is dismissed.

5. Learned counsel appearing for the petitioners/plaintiffs submits that there is a dispute regarding the property, and the petitioners/plaintiffs are in possession of



the property. As claimed by the defendant, there is no land available. If the property is sold by the defendant, it would cause hardship to the petitioners/plaintiffs. The petitioners/plaintiffs have shown a prima facie case, and the balance of convenience is in their favour. If the interim injunction is not granted, it would cause hardship to the petitioners/plaintiffs and would unnecessarily result in multiplicity of proceedings. These aspects were not considered by the Court, and the order passed by the Court is to be set aside. The petitioners/plaintiffs are entitled to an injunction.

6. Having heard the learned counsel for the petitioners/plaintiffs, perused the materials on record. This Court finds that the suit is for declaration and injunction. The plaintiffs filed I.A.No.III seeking a temporary injunction restraining the defendants from alienating the suit schedule property. According to the plaintiffs, they are in possession of the property, and alienation by the defendants would cause hardship to the plaintiffs. This Court has perused the order passed in MA.No.21/2025, wherein the Appellate Court discussed the earlier suit filed by the defendant against the plaintiffs where injunction is granted.



7. In view of the said order, at this stage, the Court cannot consider the submission of the learned counsel for the petitioner that the petitioner is in possession of the property and that, if an injunction is not granted, it would cause hardship to the plaintiff. The trial Court has rightly observed that, in the facts and circumstances of the case, when the ownership of the plaintiff itself has to be decided in the pending suit, which can be done only after a full-fledged trial, the plaintiff is not entitled to the relief at this stage. This Court do not find any reason to interfere with the order passed by the courts below. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed.***
- ii. Pending I.As if any, in this writ petition shall stand closed.

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