



CNR: KAHC010010082021

NC: 2026:KHC:43906
RFA No. 19 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.M.NADAF

REGULAR FIRST APPEAL NO. 19 OF 2021 (DEC/INJ)

BETWEEN:

SRI. V CHANDRA,
S/O LATE VENKATASWAMY,
AGED ABOUT 35 YEARS,
OCCUPATION LABOUR,
R/T NO.627, 4TH CROSS,
4TH MAIN,
KAMALANAGAR MARKET,
BENGALURU - 560 079.

...APPELLANT

(BY SRI. NANJUNDA SWAMY N., ADVOCATE)

AND:

1. SMT. YASHODHA B.H.,
W/O ANDANI GOWDA,
AGED ABOUT 49 YEARS,
2. SRI. ANDANIGOWDA,
S/O THIMMAIAH,
AGED ABOUT 60 YEARS,
3. SRI. VENKATAPPA,
S/O THIMMAIAH,
AGED ABOUT 85 YEARS,

R1 TO R3 ARE ALL R/AT:
R/AT NO.9 5TH CROSS,
SARASWATHIPURAM,
NANDINI LAYOUT,
BENGALURU - 560 096.

Digitally
signed by
REKHA R
Location:
High Court
of
Karnataka



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4. SRI. M.R. PRAKASH,
S/O RAM IYAR,
AGED ABOUT 61 YEARS,
RESIDING AT NO.20,
SRIKANTESHWARANAGARA,
MAHALAKSHMI LAYOUT,
BENGALURU - 560 086.

...RESPONDENTS

(BY SRI. VARUN P., AND SRI. KIRAN KUMAR, B.N.,
ADVOCATES FOR R1 AND R2)

THIS RFA IS FILED UNDER SECTION 96 R/W. ORDER XLI
RULE 1 OF THE CPC., AGAINST THE ORDER
DATED:21.12.2020 PASSED IN OS NO.5000/2020 ON THE FILE
OF THE VIII ADDL.CITY CIVIL AND SESSIONS JUDGE (CCH-NO.
19) BENGALURU DISMISSING THE SUIT FOR DECLARATION
AND PERMANENT INJUNCTION AS NOT MAINTAINABLE.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE T.M.NADAF

ORAL JUDGMENT

This appeal by the plaintiff, assailing the judgment
and decree dated 21.12.2020 passed by the VIII
Additional City Civil and Sessions Judge (CCH-19),
Bengaluru¹, in OS.No.5000/2020.

¹ the Trial Court, for short



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2. The Trial Court under the impugned judgment and decree, dismissed the suit as not maintainable, as the jurisdiction of the Civil Court is impliedly barred under Sections 4, 5 and 11 of PTCL Act.

3. The parties are referred to as per their ranking before the trial Court.

4. Facts germane to file the present appeal are as under:

4.1 It appears from the record that, the plaintiffs claimed under the Grant Order dated 16.02.1967, in favor of their grandfather, in respect of land block Nos.40, 43 and 46, in old Sy.No.1 of Jarakabandekavalu, Yelahanka Hobli, Bengaluru North Taluk, totally measuring 02 Acres 30 Guntas. On 26.09.2020, the respondents made an attempt to trespass and interfere with the suit schedule property, which made the plaintiffs to file the suit in OS.No.5000/2020 before the Trial Court for declaration of a permanent



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injunction, against the defendants. The plaintiff claims that the defendants have created G.P.A in favour of D.M.Narasimhamurthy and subsequently, registered sale deed in favor of M.R.Prakash. The said M.R.Prakash, on the basis of alleged sale deed dated 08.07.1986, staking a right over the property. In that view of the matter, the civil suit was filed seeking declaration and injunction against the defendants, declaring the sale deed as well as GPA are not binding of the plaintiff.

4.2 The defendants after service of notice, appeared and find objections only to the IA., filed by the plaintiff under Order 39 Rules 1 and 2 of CPC. At this juncture, the Trial Court has raised preliminary issue, as to whether the suit is maintainable and answered the same in negative, holding that in view of provisions contained under the Scheduled Caste and Scheduled Tribe Prohibition of Sale of Certain Lands



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Act, 1978², particularly Sections 4, 5 and 11 of the Act and held that the suit is not maintainable. It is this judgment and decree passed by Trial Court is called in question in this appeal.

5. Heard, Sri.Nanjundaswamy, learned counsel appearing for the appellant and Sri. Varun.P, learned counsel appearing for contesting respondent No.1.

6. Sri.Nanjundaswamy, submits that the plaintiff was before the trial Court for declaration and injunction on the basis of grant order passed in favor of his grandfather and not challenging the grant order, under the PTCL Act. In that view of the matter, the implied bar as stated by the trial Court is misconstrued and not sustainable in law.

7. Though, Sri.Varun, learned counsel for the respondent argued in support of the judgment. However, he is not seriously disputing the fact that the claim made by the plaintiff is on the basis of grant order. In that view

² 'PTCL Act' for short



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of the matter, the plaintiffs were before the Court seeking declaration and injunction against the sale deed as well as the GPA, which according to them are the concocted documents. The matter requires consideration to adjudicate upon the civil rights of both the parties.

8. The Trial Court, only on the premise that the land is a granted land, held the suit of the plaintiff is not maintainable, as the Civil Court is not having any jurisdiction in view of implied bar under Sections 4, 5 and 11 of the PTCL Act. This reasoning of the Trial Court *prima facie* against the well settled principles of law. The plaintiffs were before the Court staking his claim and seeking relief bared of grant order, cannot be ousted at the threshold on the premise that bar under the PTCL Act. Admittedly, the plaintiff was not before the trial Court challenging any grant order or not seeking relief against any proceedings under the PTCL Act, in respect the land, but his rights to be adjudicated on the basis of the grant order passed in favor of his grandfather.



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9. In that view of the matter, without experience anything on merits of the Case, the judgment and decree passed by the trial Court is set aside. The suit is restored to its file. Both the Plaintiffs and Respondent Nos.1 and 2 are directed to appear before the Trial Court on 09.09.2026, without expecting any fresh notice from the Court, since both the parties are present before this Court, through their respective Counsel. However, the plaintiff was directed to take notice in respect of respondent Nos.3 and 4, against whom the appeal was dismissed vide order dated 19.08.2024.

10. The Trial Court record shall be sent to the concerned Court, without causing any further delay, since the date of appearance is 09.09.2026.

11. Given the facts and circumstances of the case, no order as to costs.



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12. All contentions of the parties left open.

Sd/-
(T.M.NADAF)
JUDGE

PK
List No.: 2 Sl No.: 1
ct-vn