HC-KAR

NC: 2026:KHC:16806
WP No. 1856 of 2026

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

**DATED THIS THE 24TH DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD**

**WRIT PETITION NO.1856 OF 2026 (GM-CPC)**

**BETWEEN:**

1. SRI B.S. MANJUNATH
S/O. LATE. B.K.SRIKANTAIAH,
AGED ABOUT 74 YEARS,
RESIDING AT NO.282/A,
2ND 'A' MAIN ROAD,
1ST PHASE, GIRINAGAR,
BENGALURU-560085.

...PETITIONER

(BY SRI. KAMALESHWARA POOJARY, ADVOCATE)

**AND:**

1. SMT. LEELA
W/O. SRI. SIDDAGANGAPPA R,
AGED ABOUT 41 YEARS,
RESIDING AT FLAT NO.102,
SRIRAMSANNIDHI,
1ST MAIN ROAD, 4TH CROSS,
REMKO BHEL LAYOUT,
BEML LAYOUT,
RAJARAJESHWARI NAGAR,
BENGALURU-560098.

...RESPONDENT

(BY SRI. NAGARAJ S. JAIN, ADVOCATE FOR C/R)

Digitally signed by DHANALAKSHMI MURTHY
Location: HIGH COURTOF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE

ORDER PASSED BY THE HON'BLE XVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN O.S. NO.7897/2022 DATED 5/12/2025 ON IA NO.7 AND 8 AS PER ANNEXURE-A, AND TO ALLOW THE IA NO.7 AND 8 FILED BY THE DEFENDANT ON THE FILE OF THE HON'BLE XVI ADDITIONAL CITY CIVIL COURT AND SESSIONS JUDGE AT BENGALURU IN O.S. NO.7897/2022 AND THEREBY GRANT THE RELIEF ASPER ANNEXURE-M AND N AS PRAYED FOR IN IA NO.7 AND 8 IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

**ORAL ORDER**

This writ petition is filed by the defendant under Article 227 of the Constitution of India, challenging the order dated 05.12.2025 passed on I.A. Nos. VII and VIII, filed under Section 151 of the Code of Civil Procedure in O.S.No.7897/2022, by the XVI Additional City Civil and Sessions Judge, Bengaluru, whereby the applications collectively filed for restoration of possession, thereby seeking issuance of a delivery warrant against the occupants in possession of the premises constructed in the written statement counterclaim schedule property, a direction to the Police of Rajarajeshwarinagar Police

Station, Bengaluru, to extend police protection to the petitioner/defendant as well as to the Court bailiff for execution of the delivery warrant, respectively, have been rejected.

2. The respondent/plaintiff has filed a suit in O.S. No. 7897/2022 for permanent injunction. Along with the plaint, she filed an application under Order XXXIX Rules 1 and 2 of the CPC seeking a temporary injunction against the petitioner/defendant and the defendant filed similar application pursuant to his counter-claim. The trial court granted an order of status quo with regard to both the IA Nos. 1 and 2, respectively, till disposal of the suit.

3. Being aggrieved, the respondent/plaintiff filed MFA No.2102/2023 before this Court. This Court, by order dated 04.08.2023, directed the trial court to dispose of the applications, in accordance with law, within two months. Thereafter, the trial court, by order dated 20.11.2023, allowed the application filed by the plaintiff, i.e., IA No.1

and rejected the IA No.2 filed by the defendant under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC.

4. Being aggrieved by the same, the petitioner/ defendant filed an appeal before this Court in MFA No. 8388/2023. This Court, during the pendency of the appeal vide order dated 15.12.2023, granted an interim order observing that if the plaintiff had made any construction on the suit schedule property, the same would be subject to the result of the appeal.

5. Thereafter, this Court, by order dated 14.02.2025, allowed the appeal and directed the parties to maintain status-quo in respect of the suit schedule property.

6. Thereafter, the said order was called in question by the respondent/plaintiff before the Apex Court in Special Leave to Appeal (C) No. 13399/2025, which came

to be dismissed. Subsequently, the petitioner/defendant filed the present application.

7. Learned counsel appearing for the petitioner/ defendant contended that this Court, in MFA No. 8388/2023, while granting an interim order on 15.12.2023, had made it clear that any construction made by the plaintiff in the suit schedule property during the pendency would be subject to the result of the appeal. Since the appeal was ultimately allowed, the application filed for restoration of possession ought to have been allowed by the trial court. However, contrary to the same, the impugned order has been passed. Learned counsel for the petitioner further submitted that the construction was made during the pendency of the appeal, and therefore, the trial court ought to have restored possession.

8. This Court, by order dated 14.02.2025, allowed the appeal and set aside the order of the trial court

granting injunction in favour of the plaintiff. The operative portion of the order is extracted below:

> *"i. The appeal is allowed.*
>
> *ii. The order of the Trial Court granting injunction in favour of the respondent/plaintiff is set aside.*
>
> *iii. The parties are directed to maintain status quo at the suit schedule property until disposal of the suit."*

9. This Court while allowing the writ petition has directed the parties to maintain status quo in respect of the suit schedule property until disposal of the suit. In view of the specific directions issued by this Court, the trial court has rightly rejected the application for restoration of possession. There is no error or illegality in the order passed by the trial court.

10. In view of the order dated 14.02.2025 passed by this Court directing the parties to maintain status quo till disposal of the suit, allowing restoration of possession,

would run contrary to the said order of this Court and hence, the writ petition is dismissed.

**Sd/-**
**(H.T. NARENDRA PRASAD)**
**JUDGE**

CM
List No.: 1 Sl No.: 62