



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 4027 OF 2026 (GM-CPC)

C/W

WRIT PETITION NO. 4025 OF 2026 (GM-CPC)

IN WP No. 4027/2026

BETWEEN:

B.N.SRINIVASA MURTHY
S/O LATE NARAYANA RAO
AGED ABOUT 57 YEARS
RESIDENT OF BOMMAVARA VILLAGE
KASABA HOBLI, DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT - 562110.

...PETITIONER

(BY SRI H N SHASHIDHARA, SENIOR ADVOCATE FOR
SRI. H S SUHAS., ADVOCATE)

AND:

SMT. VIJAYALAKSHMI SATYAKUMAR
W/O LATE SATHYAKUMAR
AGED ABOUT 56 YEARS
RESIDENT OF NO.282, 4TH CROSS
13TH MAIN ROAD, I STAGE
HMT LAYOUT, MATHIKERE
BENGALURU - 560054

...RESPONDENT

(BY SRI.JWALA KUMAR ., ADVOCATE C/RESPONDENT)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR
DIRECTION TO SET ASIDE THE COMMON ORDER DATED
05.01.2026 PASSED IN M.A.NO.12/2024 AND M.A.NO.13/2024,

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:13147
WP No. 4027 of 2026
C/W WP No. 4025 of 2026

IN SO FAR AS REJECTING I.A. NO. II, ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC, DEVANAHALLI, VIDE ANNEXURES-A AND ETC.

IN WP NO. 4025/2026

BETWEEN:

B.N.SRINIVASA MURTHY
S/O LATE NARAYANA RAO
AGED ABOUT 57 YEARS
RESIDENT OF BOMMAVARA VILLAGE
KASABA HOBLI, DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-562110.

...PETITIONER

(BY SRI H N SHASHIDHARA, SENIOR COUNSEL FOR
SRI. H S SUHAS., ADVOCATE)

AND:

SMT. VIJAYALAKSHMI SATYAKUMAR
W/O LATE. SATHYAKUMAR
AGED ABOUT 56 YEARS
R/OF NO.282, 4TH CROSS
13TH MAIN ROAD, I STAGE
HMT LAYOUT, MATHIKERE
BENGALURU-560 054.

...RESPONDENT

(BY SRI.JWALA KUMAR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION TO SET ASIDE THE COMMON ORDER DATED 05.01.2026 PASSED IN M.A.NO.12/2024 AND M.A.NO.13/2024, IN SO FAR AS ALLOWING I.A. NO.I IN O.S.NO.340/2023, ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE JMFC, DEVANAHALLI, VIDE ANNEXURES-A AND ETC.



THESE PETITIONS, COMING ON FOR FINAL HEARING,
THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

1. In W.P.No.4027/2026, the petitioner sought for the following reliefs

"A. Issue a Writ of Certiorari or any other appropriate writ, order or direction to set aside the Common Order dated 05.01.2026 passed in M.A.No.12/2024 and M.A.No.13/2024, in so far as rejecting I.A. No. II, on the file of the Principal Senior Civil Judge & JMFC, Devanahalli, vide Annexures-A ; and
B. Pass such other order or direction as deems fit in the facts and circumstances of the case including the costs, in the interest of justice and equity."

2. In W.P.No.4025/2026, the petitioner sought for the following reliefs:

"A. Issue a Writ of Certiorari or any other appropriate writ, order or direction to set aside the Common Order dated 05.01.2026 passed in M.A.No.12/2024 and M.A.No.13/2024, in so far as allowing I.A. No.I in O.S.No.340/2023, on



the file of the Principal Senior Civil Judge & JMFC, Devanahalli, vide Annexures-A; and
B. Pass such other order or direction as deems fit in the facts and circumstances of the case including the costs, in the interest of justice and equity."

3. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court.

4. The plaintiff (respondent herein) filed a suit in O.S.No.340/2023 before the Trial Court seeking relief of permanent injunction. Along with the suit, the plaintiff filed an application i.e., I.A.No.1 under Order XXXIX Rule 1 and 2 of CPC seeking an order of temporary injunction. The defendant (petitioner herein) also filed an application i.e., I.A.No.II under Order XXXIX Rule 1(a) of CPC. The Trial Court, after hearing the parties, by order dated 23.02.2024 allowed the application filed by the defendant and rejected the application filed by the plaintiff. Aggrieved by the said order passed by the Trial Court, the plaintiff filed M.A.No.12/2024 and M.A.No.13/2024 before



the Principal Senior Civil Judge and JMFC, Devanahalli. The First Appellate Court, by order dated 05.01.2026 has allowed the appeals filed by the plaintiff and consequently the application filed by the plaintiff under Order XXXIX Rule 1 and 2 has been allowed and application filed by the defendant under Order XXXIX Rule 1(a) of CPC has been rejected. Aggrieved by the order passed by the First Appellate Court, the defendant is before this Court.

5. The suit is instituted only for bare injunction and the suit is between the sister and brother. Now, the pleadings are completed before the Trial Court.

6. Therefore, in that view of the matter and in the interest of justice, the following order is passed:

ORDER

- a) Writ petitions are disposed of.
- b) The impugned order dated 05.01.2026 passed by the Principal Senior Civil Judge & JMFC,



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Devanahalli, in M.A.No.12/2024 and
M.A.No.13/2024, is confirmed.

- c) However, the parties are directed not to create any third party interest over the suit schedule property, till the disposal of the suit.
- d) The Trial Court is directed to dispose of the suit as expeditiously as possible, not later than one month from the date of receipt of certified copy of this order.

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

DM
List No.: 1 Sl No.: 9