



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 12701 OF 2026 (GM-CPC)

BETWEEN:

GURURAJ
S/O. LATE. THIPPESH RAO,
AGED ABOUT 38 YEARS,
R/O D.NO.304/2, NALANDA BEEDI,
SHIVAJI NAGARA, DAVANAGERE - 577001

...PETITIONER

(BY SRI. CHAKRAVARTHY T S., ADVOCATE)

AND:

1. CHANDRU
S/O DEVAPPA
AGED ABOUT 41 YEARS,
R/O. D. NO. 304/2,
NALANDA BEEDI, SHIVAJI NAGARA,
DAVANAGERE-577002
2. SMT. MANJULA,
W/O. LATE. THIPPESH RAO,
AGED ABOUT 46 YEARS,
R/O. D. NO. 304/2,
NALANDA BEEDI, SHIVAJI NAGARA,
DAVANAGERE-577002

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



3. SMT. POOJA,
D/O. LATE. THIPPESH RAO,
AGED ABOUT 43 YEARS,
R/O. D. NO. 304/2,
NALANDA BEEDI, SHIVAJI NAGARA,
DAVANAGERE-577002
4. SMT. UMA,
D/O. LATE. THIPPESH RAO,
AGED ABOUT 40 YEARS,
R/O. D. NO. 304/2,
NALANDA BEEDI, SHIVAJI NAGARA,
DAVANAGERE-577002
5. RASOOL SAB,
S/O. YASEEN SAB,
AGED ABOUT 60 YEARS,
R/O D.NO.241,
SM KRISHNA NAGARA, KONDAJJI ROAD,
DAVANAGERE-577001
6. SMT. HASEENA BANU,
W/O. RASOOL SAB,
AGED ABOUT 40 YEARS,
R/O D.NO.241,
SM KRISHNA NAGARA, KONDAJJI ROAD,
DAVANAGERE-577001

...RESPONDENTS

(BY SRI G.J.SUNKAPUR, ,ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 12/03/2026 PASSED IN M.A. NO. 43/2025 BY THE LEARNED II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, DAVANAGERE VIDE ANNEXURE-A AND ETC.



THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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 plaintiff No. 1 under Articles 226 and 227 of the Constitution of India, challenging the order dated 12.03.2026 passed in M.A. No. 43/2025 by the II Additional Senior Civil Judge and JMFC, Davanagere (for short, "the Appellate Court"), whereby the order passed by the trial court on I.A. No. II in O.S. No. 896/2023 dated 09.12.2025 by the III Additional Civil Judge and JMFC, Davanagere (for short, "the trial court") was set aside.

2. For the sake of convenience, the parties are referred to according to their ranking before the trial court.

3. The plaintiffs filed a suit for declaration and other consequential reliefs. Along with the plaint, petitioner/ plaintiff No.1 filed applications under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure (for short, "CPC"),



seeking a temporary injunction. The trial court, by its order dated 09.12.2025, granted a temporary injunction. Aggrieved by the same, defendant No. 3 filed an appeal before the I Appellate Court in M.A. No. 43/2025, which came to be allowed. Being aggrieved by the same, the petitioner/plaintiff No. 1 has approached this Court.

4. In the suit, the plaintiffs sought the following reliefs:

“a) Declaring that the Plaintiffs are the absolute owners of the schedule site.

b) Granting an order of mandatory injunction directing the Defendants to demolish the illegal construction put up in the schedule site and handover vacant possession of the schedule site to the Plaintiffs.

c) Granting an order of mandatory injunction directing the Defendants to pay Rs.25,000/- per month to the Plaintiffs being damages for putting up unauthorized and illegal construction over the schedule site, until they hand over vacant possession of the same.

d) Granting consequential relief of permanent injunction restraining defendants from interfering



with peaceful possession and enjoyment of the schedule site by the plaintiffs.

e) Declaring that the gift deed dated 11/1/2013 executed by Defendant No.1 in favor of Defendant No.2 is illegal, null and void and is not binding on the Plaintiffs.

f) Declaring that the agreement of sale dated 16/10/2019 purporting to have been executed by the mother of the Plaintiffs in favor of Defendant No.3 is illegal, null and void and is not binding on the Plaintiffs.

g) Declaring that the sale deed dated 15/2/2024 executed by Defendant Nos. 1 & 2 in favor of Defendant No.3 is illegal, null and void and is not binding on the Plaintiffs.

h) Declaring that the cancellation of the gift deed dated 15/2/2024 executed by Defendant No.2 in favor of Defendant No.1 is illegal, null and void and is not binding on the Plaintiffs."

5. In the suit, it is admitted that defendant No.1 is in the possession of the property and put up a construction. Under the circumstances, the trial court erred in granting an injunction order. The I Appellate Court, after considering the reliefs sought in the suit and the material available on record, was justified in allowing the appeal.



There is no error or illegality in the order passed by it. The writ petition is, therefore, liable to be dismissed.

Accordingly, it is dismissed.

However, it is made clear that if any construction is made by the respondent No.1/defendant No.3 in the suit schedule property, the same shall be subject to the result of the suit, and he shall not claim any equity on that basis.

Further, the trial court is directed to decide the suit on merits without being influenced by any observations made in the course of this order.

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

CM
List No.: 1 Sl No.: 20