



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 12794 OF 2026 (GM-CPC)

BETWEEN:

1. SRI VENKATESHA
S/O LATE RANGAIAH
AGED ABOUT 68 YEARS
2. SRI KIRAN
S/O SRI VENKATESHA
AGED ABOUT 25 YEARS

BOTH ARE R/OF BORIKOPLU VILLAGE
KARADAHALLI POST
DEVVALAPURA HOBLI
NAGAMANGALA TALUK
MANDYA DISTRICT-571445.

...PETITIONERS

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA

(BY SRI. DHANANJAYA C P., ADVOCATE)

AND:

1. SRI RAJU
S/O LATE JAVARAIAH
AGED ABOUT 55 YEARS
2. SRI RAMESH
S/O LATE JAVARAIAH
AGED ABOUT 49 YEARS

SRI BORAIHA
S/O ARASAIHA
SINCE DEDA BY LRS



3. SMT LAKSHMAMMA
W/O LATE BORAIHAH
AGED ABOUT 49 YEARS
4. SRI RAVI
S/O LATE BORAIHAH
AGED ABOUT 34 YEARS
5. SRI RAMU
S/O LATE BORAIHAH
AGED ABOUT 34 YEARS
6. SRI JAVARAIAH
S/O ARASIAH
AGED ABOUT 63 YEARS

ALL ARE R/OF BORIKOPLU VILLAGE
KARADAHALLI POST
DEVVALAPURA HOBLI
NAGAMANGALA TALUK
MANDYA DISTRICT-571445.

...RESPONDENTS
(BY SRI.T HAREESH KUMAR., ADVOCATE FOR C/R1 & R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI TO QUASH THE ORDER DATED 27-02-2026, PASSED BY THE LEARNED I ADDL SENIOR CIVIL JUDGE AND JMFC NAGAMANGALA, IN MISCELLANEOUS APPEAL. NO.18/ 2025, (ANNEXURE-D) ON AN APPLICATION FILED IN OS.NO. 319/2025 UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF THE CIVIL PROCEDURE CODE 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

1. In this writ petition, the petitioners/defendants have called in question the judgment dated 27.02.2026 passed by the I Additional Senior Civil Judge and JMFC, Nagamangala (hereinafter referred to as the "First Appellate Court") in M.A.No.18/2025, whereby the First Appellate Court set aside the order dated 03.09.2025 passed by the Civil Judge and JMFC, Nagamangala (hereinafter referred to as the "Trial Court") on I.A.No.1 in O.S.No.319/2025 and granted a temporary injunction.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in the original suit.

3. The plaintiffs instituted a suit in O.S.No.319/2025 seeking the relief of permanent injunction. Along with the plaint, the plaintiffs filed an application under Order XXXIX



Rules 1 and 2 of the CPC. Upon service of summons, the defendants entered appearance and filed their written statement. After hearing the parties, the Trial Court, by order dated 03.09.2025, dismissed the said application. Aggrieved thereby, the plaintiffs preferred M.A.No.18/2025 before the First Appellate Court. The First Appellate Court, by the impugned judgment dated 27.02.2026, allowed the appeal and granted an order of temporary injunction. Aggrieved by the said judgment, the present writ petition is filed.

4. The specific case of the plaintiffs is that they purchased the suit schedule property under a sale deed dated 29.11.1939. In support of their claim, they have also produced RTC extracts standing in their name even prior to the filing of the suit. On the other hand, the defendants have not produced any documents except a sale deed dated 14.07.1939 and have not placed any



material in rebuttal to the RTC extracts produced by the plaintiffs.

5. Having regard to the material on record, and in view of the fact that the plaintiffs have established a prima facie case and that the balance of convenience lies in their favour, the First Appellate Court was justified in allowing the appeal and granting an order of temporary injunction.

6. This Court finds no error or irregularity in the impugned order passed by the First Appellate Court. The writ petition is devoid of merit and is liable to be dismissed.

7. Accordingly, the writ petition is dismissed.

8. However, considering that the suit is of the year 2025 and is now set down for evidence, the Trial Court is directed to dispose of the suit as expeditiously as possible, and in any event, within a period of six months from the



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WP No. 12794 of 2026

date of receipt of a copy of this order. Both parties shall co-operate for early disposal of the suit.

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

DM
LIST NO.: 1 SL NO.: 29