

HC-KAR



CNR: KAHC010320612026

NC: 2026:KHC:36030
WP No. 14731 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 14731 OF 2026 (GM-CPC)

BETWEEN:

MR. PHILIP K
S/O. LATE MR. K. KUNJU KUNJU,
AGED ABOUT 67 YEARS,
PRESENTLY RESIDING AT
SITE NO.6, HOREB PURAYIL,
DIVINE MERCY SCHOOL ROAD,
OPP. TO HALOTECH SYSTEMS PVT. LTD.,
KANNUR, BANGALORE - 560077.

...PETITIONER

(BY SRI. GEORGE PHILIP, ADVOCATE)

AND:

1. MR. RAJANNA @ PAPAIAH
S/O. LATE MR. ERELLAPPA,
AGED ABOUT 45 YEARS
2. MR. LAKAPPA,
S/O. LATE MR. MUNIYAPPA,
AGED ABOUT 40 YEARS
3. MR. NARAYANA SWAMY,
S/O. LATE MR. MUNIYAPPA,
AGED ABOUT 42 YEARS,
4. MR. MANJUNATH R.,
S/O. MR. RAJAPPA @ PAPAIAH,
AGED ABOUT MAJOR,

Digitally signed
by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA

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ALL ARE RESIDING AT 10/3,
NADAGOWDAGOLLAHALLI,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
DODDAGUBBI POST,
BENGALURU -560 077

5. MR. SABU T VARGHESE,
S/O. LATE MR. T.V. VARGHESE,
AGED ABOUT 45 YEARS,
RESIDING AT HOUSE NO.606,
2ND B CROSS, (BETWEEN 6TH AND
6TH A MAIN ROAD),
HRBR LAYOUT, 2ND BLOCK,
KALYAN NAGAR,
BANGALORE -560 043

...RESPONDENTS

(BY SRI. MANJUNATH PRASAD H.N., ADVOCATE FOR R1 TO R4
NOTICE TO R5 IS DISPENSED WITH V/O/D: 13.07.2026)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASHING THE JUDGEMENT DATED 15.11.2025 PASSED ON
MA NO. 71/2024 BY THE HONBLE IVTH ADDL. PRL. SENIOR
CIVIL JUDGE BENGALURU RURAL DISTRICT BENGALURU AT
ANNEXURE-A.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the orders passed in M.A.No.71/2024 dated
15.11.2025 by the IV Additional Senior Civil Judge, Bengaluru
Rural District, Bengaluru, whereby the Appellate Court has

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reversed the order passed by the trial Court in I.A.Nos.1, 2 and 3 dated 26.07.2024, the petitioner/plaintiff is before this Court.

2. The petitioner herein is the plaintiff in the suit. He has filed the suit, stating that he is the absolute owner of the immovable property bearing Site No.67, situated in Maple Meadows Layout, formed out of property in Sy.Nos.47 and 48, Nadagowda Gollahalli Village, within the Kannur Grama Panchayath Limits, Bidarahalli Hobli, Bangalore East Taluk, measuring 2,400 square feet. It is also stated that the suit scheduled property is represented to be formed in Sy.No.48/1 by defendant No.1. The plaintiff has purchased the property from Sri Sabu T. Varghese, who was also the developer of the Maple Meadows Layout formed in Sy.Nos.47 and 48/1. Defendant No.1, who had represented the suit scheduled property, has executed the sale deed in favour of the plaintiff vide sale deed dated 24.10.2013.

3. On 01.09.2023, the defendant Nos. 3 to 5, along with the henchmen, trespassed into several sites in the layout, including the suit schedule property, using a JCB, demolished the front wall, and trespassed into the suit schedule property.

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This compelled the petitioner to approach the court by filing the instant suit, OS.No.1663/2023. In the suit, he has filed I.A.No.1 seeking an injunction. The trial court has initially granted an ad-interim injunction. The respondents have filed I.A.No.3. Both I.A.Nos.1 and 2 were considered, and an order dated 26.07.2024 was passed, whereby the parties were directed to maintain the status quo in respect of the nature of the suit schedule property till the disposal of the suit. The trial court, while passing the order, observed that, to meet the situation, it was the considered view that directing both parties to maintain status quo is a solution to the present dispute between the parties. The court observed that the word "status quo" means the situation that currently exists, i.e., the state of things at any point of time. If the court passes an order of status quo, justice will be done to both the parties, and no irreparable loss or damage will be caused to either of the parties. Aggrieved thereby, the defendants have filed M.A.No.71/2024.

4. The appellate court, by judgment dated 15.11.2025, set aside the order passed on I.A.Nos.1 and 2 and consequently

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dismissed I.A.Nos.1 and 2. I.A.No.3 filed by the defendant is allowed. The appellate court, while passing the order, observed that the plaintiff, claiming to be the owner in possession of Site No.67 carved out in Sy No.48, has filed the above suit, alleging that Site No.67 is formed in both Sy Nos.47 and 48. However, the plaintiff has not produced any documents to show that a common layout is formed in both Sy Nos.47 and 48. Admittedly, the vendor of the plaintiff is the owner of land in Sy.No.48 but not in Sy.No.47. In such being the case, the plaintiff cannot claim Site No.67, which is formed in Sy.No.47. Moreover, the sale deed dated 24.10.2013 reflects Sy.No.48 of Nadagowda Gollahalli Village. Yet the plaintiff claims his property to be Site No.67 carved out in Sy.No.47 of the same village. Further, the appellate court observed that, to prima facie convince the court with regard to claim of possession over the suit property, the plaintiff/respondent No.1 has to prove possession based on the flow of title over the suit property. The appellants/defendants Nos. 2 to 5 have denied the plaintiff's claim, and the court has concluded that the plaintiff has failed to make out a prima facie case. The trial court, while

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considering the material placed before it, has wrongly opined that it is necessary to order the maintenance of the status quo in respect of the nature and possession of the property. The appellate court has come to the conclusion that the trial judge has committed errors and irregularities in passing the impugned order and accordingly set aside the order passed by the trial court.

5. Learned counsel appearing for the petitioner submits that the case of the plaintiff is very specific, namely that he has purchased Site No.67 in Sy.No.48. Maple Meadows Layout is developed by the developer in Sy.No.47 and Sy.No.48. However, his property is in Sy.No.48. It is submitted that, considering these facts and as an interim measure, the trial Court has rightly granted an order of status quo, balancing the interests of both the parties, and has appreciated the respective contentions of the parties. But the appellate court, without considering all this, has set aside the order of the trial Court. He has drawn the attention of the court to paragraph number 15, where the court gives findings that Site No.67 is carved out in Survey No.48 and also the observation that the

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plaintiff cannot claim over Site No.67 which is found in Sy.No.47. These findings are contrary to the material on record. It is submitted that it is a specific case of the plaintiff that the property is in Sy.No.48 and even the defendants do not claim that property. Even according to them, they are the owners of Sy No. 47. In those circumstances, the appellate court has gone beyond the jurisdiction vested with the court and has interfered with the order of status quo passed by the trial Court.

6. Learned counsel appearing for the respondents Nos. 1 to 4 submits that the respondents are the owners of Sy.No.47. The plaintiff specifically claims site No.67 formed in Sy.No.48, but the schedule of the suit states that Maple Meadows layout is in Sy.No.47 and 48, which is causing confusion. As far as defendants Nos. 1 to 4 are concerned, they have nothing to do with Sy.No.48, are the absolute owners of Sy.No.47, and have not sold any property to the plaintiff. It is submitted that the appellate court has rightly considered all these aspects and rightly set aside the order passed by the trial court.

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7. Learned counsel for the respondent/defendant submits that the defendant has sold Sites Nos. 66 and 68 and has retained Site No. 67. The plaintiff claims Site No. 67, and it is submitted that there are no grounds to interfere with the well-considered order passed by the appellate court. It is further submitted that they may be permitted to proceed with the construction, and if they succeed in the suit, they will not claim any equities.

8. Having heard the learned counsels on either side, perused the material on record. The suit is filed for a bare injunction. This court has perused the plaint. It is the specific case of the plaintiff that he purchased a property in the year 2013 i.e., Site No.67 in Maple Meadows Layout. It is the case that when there was an interference by the defendants, the petitioner has filed the instant suit. In the light of the submissions made on behalf of both the parties there is a dispute. According to the plaintiff, his property is in Sy.No.48. According to the defendant, his property is in Sy.No.47. Regarding the site numbers, the defendant has retained Site No.67 and sold Sites Nos.66 and 68. The plaintiff has

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purchased the property by way of a registered sale deed in the year 2013 in respect of Site No.67. Considering these facts, it will be for the court, after completion of the full-fledged trial, to decide whether the property as claimed by both the parties is one and the same or two distinct properties, and whether there is any interference by the plaintiff. At this juncture, the trial court has rightly held that, as the plaintiff's property was purchased in the year 2013 and, according to him, he is the owner of the property, he has prima facie proved his case, and balancing the interests of the defendants, the trial court has granted an order of status quo. In the considered opinion of this court, the order passed by the trial court is a well-considered order, and, as rightly submitted by the learned counsel for the petitioner, the appellate court has passed an order in which the findings of the court are contrary to the pleadings of the parties and the material on record.

9. In that view of the matter, this court is passing the following:

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ORDER

- i. The order passed in M.A.No.71/2024 dated 15.11.2025 by the IV Additional Senior Civil Judge, Bengaluru Rural District, Bengaluru, is ***set aside*** and the order passed by the trial Court in I.A.Nos.1,2 and 3 is ***restored***.
- ii. Accordingly, the writ petition is ***Allowed***.
- iii. Pending I.As in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

TS
List No.: 1 Sl No.: 62