



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 15064 OF 2026 (GM-CPC)

BETWEEN:

1. B N THIPPESWAMY
S/O. NAGAPPA,
AGED ABOUT 70 YEARS
RESIDING AT OPP SHIVANI RAILWAY STATION
AJJAMPURA TALUK - 577 549
CHIKKAMANGALURU DISTRICT
2. PRADEEP
S/O. B.N. TIPPESWAMY
AGED ABOUT 38 YEARS
R/AT OPP. SHIVANI RAILWAY STATION,
AJJAMPURA TALUK - 577 549
CHIKKAMANGALURU DISTRICT.
3. PRAVEEN B.T.
S/O. B.N. TIPPESWAMY
AGED ABOUT 37 YEARS
R/AT OPP. SHIVANI RAILWAY STATION,
AJJAMPURA TALUK - 577 549
CHIKKAMANGALURU DISTRICT

...PETITIONERS

(BY SRI. G.K. BHAT, ADVOCATE FOR
SRI. K.R. SUBHASH, ADVOCATE)



AND:

- B N GURUMURTHY S/O NAGAPPA
SINCE DEAD BY LRS
1. SMT YASHODHA
W/O. LATE B.N. GURUMURTHY
AGED ABOUT 66 YEARS
 2. DR. SMT SWATHI
D/O. LATE B.N. GURUMURTHY
AGED ABOUT 35 YEARS

BOTH ARE RESIDING AT
SWATHI NILAYA
VIDYA NAGARA
KADUR - 577 548.
CHIKKAMANGALURU DISTRICT.

...RESPONDENTS

(BY SRI. RISHIKESH MADHAV, ADVOCATE FOR C/R1 & C/R2
(C.P.NO.10517/2026))

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO-A. QUASH THE ORDERS PASSED BY SENIOR CIVIL JUDGE AND JMFC AT TARIKERE, CONFIRMING THE ORDERS IN M.A. NO.25/2025, DATED 17.04.2026 AT ANNEXURE-B. B. ALLOW THE WRIT PETITION TO ORDER TO RESTRAINING THE RESPONDENTS FROM ALIENATING, ENCUMBERING OR CREATING ANY CHARGES ON THE SUIT SCHEDULE PROPERTIES AND CHANGING THE NATURE OF THE SUIT SCHEDULE PROPERTIES PENDING DISPOSAL OF THE SUIT.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

Aggrieved by the order passed in MA No.25/2025 dated 17.04.2026 by the Senior Civil Judge and JMFC at Tarikere, confirming the order on IA No.I passed in OS No.14/2023 dated 27.11.2025 by the Principal Civil Judge and JMFC, Tarikere, the petitioners/defendants are before this court.

2. The respondents herein filed a suit for injunction, and in the said suit, IA No.1 is filed seeking a temporary injunction restraining the defendants, their henchmen, agents, goonda elements, or anybody from illegally interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule properties.

3. The Trial Court, by order dated 27.11.2025, has granted the injunction. While granting the injunction, the Court has observed that the documents placed by the plaintiff indicate that he purchased the suit schedule properties in his name as far back as 1979 and 1989. The revenue records have also stood in his name for several decades. The defendants, having remained silent for such a long period, now contend that the suit schedule properties are the joint family properties and



that fraud was committed by the plaintiff in obtaining the sale deeds. These are complicated issues requiring adjudication during trial. However, based on the documents that came into existence long ago and remained unchallenged until the filing of the suit and which stand in the name of the plaintiff, a clear prima facie case is made out in his favour warranting the grant of temporary injunction.

4. The Court has also observed that the defendants have filed the suit for partition in separate possession; at this stage, it appears to have been filed as a counterblast to the present suit and therefore, cannot stand in the way of deciding the present application and also observed that the other contentions raised by the defendants clearly warrant a full-fledged trial. However, denying interim relief to the plaintiff at this stage may result in serious prejudice to his rights and accordingly, the Court has granted an injunction. The petitioners herein have carried the same before the Appellate Court by filing MA No.25/2025, by order dated 17.04.2026, the Appellate Court has confirmed the order passed by the trial Court in IA No.1. While dismissing the MA, the Court has observed that the Court has taken the same stand as taken by



the Trial Court and also observed that the plaintiff has produced huge number of documents including the sale deeds and revenue documents. And could establish a prima facie case, and if an injunction is not granted, irreparable loss would be caused to the plaintiff and the balance of convenience lies in his favour; accordingly, the MA filed by the defendants was dismissed. Aggrieved thereby, the defendants are before this Court.

5. Learned Senior Counsel representing the counsel for the petitioners submits that an order of *status quo* was granted by the Co-ordinate Bench of this Court on 12.05.2026. It is submitted that in the light of the said order, pending disposal of the suit, there may be a direction to the parties to maintain *status quo*. It is submitted that the sale deed that is brought into existence is a bogus document.

6. Further, in the pleadings when he speaks about the interference and the cause of action in the year 2020, he kept quiet till the year 2023, without initiating any proceedings and on those pleadings, he is not entitled to any relief. It is submitted that the defendant owns a vast extent of land.



Further, the plaintiffs have failed to prove a *prima facie* case, balance of convenience and irreparable loss. In those circumstances, he is not entitled to any injunction as prayed for. However, both the Courts have failed to consider this aspect and granted an injunction. It is submitted that a suit is filed for partition and this injunction would cause a lot of prejudice to the defendants in the other suit, and all these aspects were not considered by the Courts below. Hence, the order impugned needs to be set aside.

7. Learned counsel appearing for the respondents/plaintiffs submits that both Courts have rightly considered the case of the plaintiff, and as they could substantiate their case by way of voluminous documents, the Court rightly granted an injunction, and there are no grounds to interfere.

8. Having heard the learned counsels on either side, perused the material on record. The suit is for a bare injunction, and the plaintiff seeks it. It is a case of the plaintiff that he has purchased the property way back in the year 1979 and 1989. It is also an undisputed fact that the suit schedule



property is agricultural land. The revenue records are in the name of the plaintiffs. The only contention taken by the defendants is that some document has been brought into existence by fraud, and all these aspects have to be established by way of a full-fledged trial. As far as granting an ad interim injunction is concerned, in the light of the documents that are placed before the Court, the Court has rightly held that there is a *prima facie* case and if an injunction is not granted in favour of the plaintiff, that would cause a lot of prejudice to him, and the balance of convenience is in favour of the plaintiffs. There is no explanation forthcoming from the defendants as to why they have not questioned a bogus document of the years 1979 and 1989.

9. Learned Senior Counsel submits that the order of *status quo* granted by this Court shall be continued during the pendency of the suit. This Court is not able to appreciate the said submission. An order of *status quo* without there being a finding with regard to who is in possession of the property is a more dangerous order than granting an injunction. In those circumstances and in the considered opinion of this Court, both the Courts have rightly granted an injunction in favour of the



plaintiffs/respondents herein, and this Court finds reasons to interfere.

10. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. The observations made by this Court shall not be construed as an expression of this Court and they are made for the purpose of disposing of the application before the Court and the Court shall proceed independently uninfluenced by any of the observations in accordance with law.
- iii. Pending IAs, if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

SMC
List No.: 1 Sl No.: 2