



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

REGULAR FIRST APPEAL NO. 1053 OF 2019 (INJ)

C/W

REGULAR FIRST APPEAL NO. 1051 OF 2019

REGULAR FIRST APPEAL NO. 1052 OF 2019

IN RFA No. 1053/2019
BETWEEN:

SMT P BHAGYALAKSHMI
W/O SUDHAKAR REDDY
AGED ABOUT 42 YEARS
R/AT NO.7/A
MAHESH NILAYAM
ANGADI THIMMAIAH LAYOUT
NAGASHETTIHALLI
BANGALORE-560 094

Digitally signed
by BELUR
RANGADHAMA
NANDINI

Location: HIGH
COURT OF
KARNATAKA

...APPELLANT

(BY SRI. R.P. SOMASHEKHARAI AH, ADVOCATE)

AND:

1. SRI S R MARISASALAI AH
S/O LATE RANGAI AH
SINCE DEAD BY HIS LEGAL REPRESENTATIVES

1(A) BHAGYA S M



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D/O LATE MARISASALAI AH
AGED ABOUT 52 YEARS

1(B) SRI. RAVIKUMAR S M
S/O LATE MARISASALAI AH
AGED ABOUT 50 YEARS

1(C) GANGADEVI S M
D/O LATE MARISASALAI AH
AGED ABOUT 48 YEARS

1(D) MANJULA S M
D/O LATE MARISASALAI AH
AGED ABOUT 46 YEARS

ALL ARE R/AT No.44
MARUTHI LAYOUT
1ST MAIN ROAD, RVM II STAGE
BANGALORE – 560 094

2. SRI K SURESH
S/O LATE N KRISHNARAJU
AGED ABOUT 42 YEARS
R/AT NO.183, 5TH CROSS
MARUTHINAGAR
II STAGE
BHADRAPPA LAYOUT
NAGASHETTIHALLI
BANGALORE-560 094

...RESPONDENTS

(BY SRI. Y K NARAYANA SHARMA, ADVOCATE FOR R1(A-D)
V/O DATED 11.12.2025, NOTICE TO R2 IS HELD
SUFFICIENT)

THIS RFA IS FILED UNDER SEC.96 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 26.02.2019 PASSED IN
OS NO.5715/2006 ON THE FILE OF THE VII ADDL.CITY CIVIL
AND SESSIONS JUDGE, BENGALURU DECREETING THE SUIT
FOR PERMANENT INJUNCTION.



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IN RFA NO. 1051/2019

BETWEEN:

SMT P BHAGYALAKSHMI
W/O SUDHAKAR REDDY
AGED ABOUT 42 YEARS
R/AT NO.7/A
MAHESH NILAYAM
ANGADI THIMMAIAH LAYOUT
NAGASHETTIHALLI
BANGALORE-560 094

...APPELLANT

(BY SRI. R.P. SOMASHEKHARAIHAH, ADVOCATE)

AND:

1. SRI R DEEPAK
S/O S R RANGASWAMY
AGED ABOUT 39 YEARS
R/AT NO.44
MARUTHI LAYOUT
1ST MAIN ROAD
RMV II STAGE
BANGALORE-560 094
2. SRI K SURESH
S/O LATE N KRISHNARAJU
AGED ABOUT 42 YEARS
R/AT NO.183, 5TH CROSS
MARUTHINAGAR
II STAGE
BHADRAPPA LAYOUT
NAGASHETTIHALLI
BANGALORE-560 094

...RESPONDENTS

(BY SRI. Y K NARAYANA SHARMA., ADVOCATE FOR C/R1
V/O DATED 11.12.2025 NOTICE TO R2 IS HELD
SUFFICIENT)



NC: 2026:KHC:23592
RFA No. 1053 of 2019
C/W RFA No. 1051 of 2019
RFA No. 1052 of 2019

THIS RFA IS FILED UNDER SEC.96 OF CPC., AGAINST THE JUDGMENT AND DECREE DATED 26.02.2019 PASSED IN OS.NO.5713/2006 ON THE FILE OF THE VII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, DECREETING THE SUIT FOR PERMANENT INJUNCTION.

IN RFA NO. 1052/2019

BETWEEN:

SMT P BHAGYALAKSHMI
W/O SUDHAKAR REDDY
AGED ABOUT 42 YEARS
R/AT NO.7/A
MAHESH NILAYAM
ANGADI THIMMAIAH LAYOUT
NAGASHETTIHALLI
BANGALORE-560 094

...APPELLANT

(BY SRI. R.P. SOMASHEKHARAIHAH, ADVOCATE)

AND:

1. SMT KAVITHA S R
D/O SIDDARANGAIAH
AGED ABOUT 39 YEARS
R/AT NO.44
MARUTHI LAYOUT
1ST MAIN ROAD
RMV II STAGE
BANGALORE-560 094
2. SRI K SURESH
S/O LATE N KRISHNARAJU
AGED ABOUT 42 YEARS
R/AT NO.183
5TH CROSS, MARUTHINAGAR
II STAGE,
BHADRAPPA LAYOUT



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NAGASHETTIHALLI
BANGALORE-560 094

...RESPONDENTS

(BY SRI. Y K NARAYANA SHARMA., ADVOCATE FOR C/R1
V/O DATED 11.12.2025 NOTICE TO R2 IS H/S)

THIS RFA IS FILED UNDER SEC.96 OF CPC., AGAINST
THE JUDGMENT AND DECREE DATED 26.02.2019 PASSED
IN OS.NO.5714/2006 ON THE FILE OF THE VIII
ADDITIONAL CITY CIVIL AND SESSIONS JUDGE,
BENGALURU, DECREERING THE SUIT FOR PERMANENT
INJUNCTION.

THESE APPEALS, COMING ON FOR ADMISSION, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

These Regular First Appeals under Section 96 of the Code
of Civil Procedure are filed challenging the common judgment
and decree in O.S.Nos.5713/2006, 5714/2006 and 5715 of
2006 on the file of VII Additional Civil Judge at Bangalore
(CCH-19).

2. The description of the properties as described in the
respective complaints reflected in the respective decrees is as
under:



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In O.S.No.5715/2006:

3. All that piece and parcel of property bearing site No.37-C , site No.37-B, being part of earlier site No.37, khata No.581, situate in the Layout formed in Sy.No.220 of Kodigehalli village, Yelahanka Hobli, Bangalore North Taluk, Bangalore Dist., and measuring East to West-25 ft. and North to South- 40 ft. and bounded on the:

East by- Property bearing Site No.37-B

(part of site No.37)

West by-Property bearing Site No.36 (Part of Site No.37)

North by- Road,

South by- Property bearing Site No.38.

In O.S.No.5714/2006:

4. All that piece and parcel of property bearing site No.37-B being part of earlier site No.37, khata No.581, situate in the Layout formed in Sy.No.220 of Kodigehalli village, Yelahanka Hobli, Bangalore North Taluk, Bangalore Dist., and measuring East to West-25 ft. and North to South- 40 ft. and bounded on the:



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East by- Property bearing Site No.37-A

(part of site No.37)

West by-Property bearing Site No.37-C

(Part of Site No.37)

North by- Road,

South by- Property bearing Site No.38.

In O.S.No.5713/2006:

5. All that piece and parcel of property bearing site No.37-A being part of earlier site No.37, khata No.581, situate in the Layout formed in Sy.No.220 of Kodigehalli village, Yelahanka Hobli, Bangalore North Taluk, Bangalore Dist., and measuring East to West-25 ft. and North to South- 40 ft. and bounded on the:

East by- Kere-Angala and Private Property

West by-Property bearing Site No.37-B

(Part of Site No.37)

North by- Road,

South by- Property bearing Site No.38.



6. The defendant No.2 is before this court in all the three appeals as the suits for injunction are decreed.

7. The plaintiff in each of the suits claims to have purchased the suit schedule property from erstwhile owner Krishna Murthy under three registered sale deeds dated 20.02.2003. It is also noticed that there is one registered rectification deed dated 14.07.2006. It is stated that in the said rectification deed, the division of the property bearing Site No.37 is mentioned, which was not mentioned in the original sale deeds dated 20.02.2003.

8. The plaintiffs in each suit claim that they have put up a shed in the suit property and obtained electricity connection and are in possession. It is stated that there is interference by the only defendant, (when the suit was filed) hence, the suit is filed seeking injunction.

9. The defendant No.1 took sufficient time to file a written statement, then came out with written statement wherein he has stated that he has sold the properties and defendant No.2 purchased the property on 22.06.2006. It is to be noticed the suit is filed on 30.06.2006. Later the purchaser



came on record as defendant no.2. The written statement is also filed.

10. The plaintiff in O.S.No.5713/2006 got examined himself and got marked 26 documents as Ex.P1 to Ex.P30. The plaintiff in O.S.No.5714/2006 got marked 14 documents as Ex.P1 to Ex.P14 and the plaintiff in O.S.No.5715/2006 got marked 14 documents as Ex.P1 to Ex.P14.

11. The cases were clubbed together and evidence was recorded on behalf of the plaintiffs. The defendants did not lead evidence. The suits are decreed. Hence, the appeals are filed by defendant No.2.

12. Learned counsel appearing for defendant No.2/appellant would submit that sufficient opportunity is not given to the defendants and the suit was taken up for hearing on day to day basis and application filed by the defendants to produce additional evidence and to cross examine the plaintiffs' witnesses was rejected and the suit is decreed solely based on the testimony of the plaintiffs and their documents. Since the defendants were denied the fair opportunity of contesting the



matter, the matter requires reconsideration and the matter has to be remanded to the trial Court, is the submission.

13. It is further urged that the defendant No.2's claim is based on the registered sale deed dated 26.06.2006 and the plaintiffs' sale deeds do not reflect the property number as required to be reflected and the power of attorney in favour of the plaintiffs' vendor is not proved as the owner of the property has taken a contention that he has not executed the power of attorney.

14. Learned counsel appearing for the plaintiffs/respondents would submit that sufficient opportunity is given. Despite sufficient opportunity, the defendants without reason requested to adjourn the matter to cross-examine the plaintiffs' witnesses, and the prayer was rightly declined and it was taken as no cross-examination on behalf of the defendants. The defendants filed an application to cross examine PW.1 and same was allowed and an opportunity was given to cross-examine the witnesses examined on behalf of the plaintiffs and their witnesses. All the witnesses of the plaintiffs were cross examined and later when the case was posted for evidence of



the defendants the evidence is not led and defendants again sought adjournment. Adjournment application was rejected and thereafter the case was heard and the suits were decided based on the evidence. Thus, it is urged that sufficient opportunity is given and the defendants and same is not availed by the defendants.

15. The court has considered the contentions raised by the parties and perused the records.

16. The following points arise for consideration are:

- i. Whether the appellant/defendant No.2 has made out a case to remand the matter to enable the defendant to lead evidence?*
- ii. Whether the trial Court is justified in decreeing this suit?*

17. As far as the contention relating to sufficient opportunity not being granted to the defendants to contest the matter, it is noticed that the suit was filed in the year 2006. The issues were framed in the year 2008. Evidence commenced in 2009 and for some or the other reason the matter was



adjourned and evidence was recorded on behalf of the plaintiffs. The defendants did not initially cross-examine the plaintiffs and the witnesses examined on behalf of the plaintiffs. Later on an application filed by the defendants, the defendants are permitted to cross-examine the plaintiffs as well as the witnesses examined on behalf of the plaintiffs.

18. It is also noticed that evidence is led in O.S.No. 5713/2006 treating the case as a main matter and the defendants have cross examined the witnesses. However thereafter defendants have failed to lead evidence. It is noticed that the trial Court has rejected the application seeking adjournment to produce the documents as well as evidence. However, what is required to be noticed is though the appeal is filed in 2019, till today, the defendants have not produced any additional documents before this court with a prayer to lead evidence at least before this court. This being the position, the contention of the defendant No.2/appellant to remand the matter to enable the defendant No.2 to lead evidence to substantiate his claim over the property cannot be accepted.



19. The Court is of the view that sufficient opportunity is given and same is not availed by defendant No.2. Assuming that the opportunity was not sufficient, nothing prevented the defendant No.2 from filing an application before this court for production of additional documents with a prayer to lead additional evidence before this court. But that is also not done.

20. As can be seen from the impugned judgment and decree, the suit is only for bare injunction in respect of an immovable property covered under the three registered sale deeds dated 20.02.2003 and deed of rectification dated 14.07.2006.

21. Learned counsel for defendant No.2/appellant would submit that the properties purchased by the defendants under registered sale deeds dated 10.02.2006, 22.02.2006 clearly reflect the property numbers and they refer to the suit properties.

22. It is to be noticed that the defendants have not produced the sale deeds. Assuming that the defendant No.2 has purchased the properties under sale deed dated 10.02.2006 and 22.06.2006, the Court is of the view that the



said sale deeds do not confer any right in favour of the defendant No.2. The reason is the defendants No.1 and 2 claim title under the same vendor who has sold the property to the plaintiffs under registered sale deed dated 20.02.2003.

23. Though the owner of the property who has sold the property to the plaintiffs has denied the execution of the power of attorney, same is duly proved and the contention of the defendants relating to power of attorney is not established.

24. Since, the plaintiffs are the prior purchasers of the suit properties, there is no point in remanding the matter to enable the defendants to lead evidence who have not led evidence despite sufficient opportunity. Since, the sale deed in the name of defendant No.2 is subsequent to the sale deed in the name of the plaintiffs, remand does not serve any purpose.

25. In case, the defendant No.2 is aggrieved, his remedy is to sue his vendor who has not conveyed valid title to the defendant No.2.

26. With these observations, the Court proceeds to pass the following order:



HC-KAR

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ORDER

The appeals are dismissed.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

SKS
List No.: 1 Sl No.: 2