

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

CIVIL CONTEMPT PETITION NO.750 OF 2023

BETWEEN:

1 . DR. R. BHARATHI
AGED ABOUT 38 YEARS
D/O SRI. S.V. RAMACHANDRA GOWDA
R/AT. SINGASANDRA VILLAGE
DUGGASANDRA HOBLI
MULBAGAL POST AND TALUK
KOLAR DISTRICT-563 131

2 . SRI. R. SHIVAKUMAR
AGED ABOUT 36 YEARS
S/O SRI. S.V. RAMACHANDRA GOWDA
PRESENTLY R/AT No.103/1
FIRST FLOOR, 2-A MAIN
NANJAPPA LAYOUT
VIDYARANYAPURA MAIN ROAD
BENGALURU-560 097

3 . MS. R. SHYLAJA
AGED ABOUT 34 YEARS
D/O SRI. S.V. RAMACHANDRA GOWDA
PRESENTLY R/AT No.103/1
FIRST FLOOR, 2-A MAIN
NANJAPPA LAYOUT
VIDYARANYAPURA MAIN ROAD
BENGALURU-560 097

...COMPLAINANTS

(BY SRI. G. PAPI REDDY, SENIOR COUNSEL FOR
SRI. MANJUNATHA R.S, ADVOCATE)

Digitally
signed by
PAVITHRA
N
Location:
High Court
of Karnataka



AND:

- 1 . SMT. R. MANJULA
AGED ABOUT 44 YEARS
W/O LATE SRI B. RANGARAJAN
R/AT. NEW No.85, OLD No.33
RANGARAJAPURAM
CHENNAI, TAMIL NADU-600 024

- 2 . SRI. B.V. SRINIVASALU
AGED ABOUT 39 YEARS
S/O LATE SRI B.R. VARADARAJU
R/AT. No.99, 5TH CROSS, 7TH MAIN
BANASHANKARI 1ST STAGE
BENGALURU-560 050

- 3 . SRI. V.M. NAIDU
AGED ABOUT 49 YEARS
S/O SRI. VENKATAPPA
R/AT. THYAGARAJA COLONY
(ADJOINING TO B.D.O. OFFICE)
MULBAGAL TOWN
KOLAR DISTRICT-563 131

- 4 . SRI. BYRA REDDY
SUB-REGISTRAR
MULBAGAL
MULBAGAL TALUK
KOLAR DISTRICT-563 131

- 5 . STATE OF KARNATAKA
REVENUE DEPARTMENT
M.S. BUILDING
AMBEDKAR VEEDHI
BENGALURU-560 002
REP. BY ITS SECRETARY

...ACCUSED

...PROFORMA RESPONDENT

(BY SRI. RAHUL KARIAPPA, AGA FOR A4 AND PROFORMA R5;
A2 AND A3 ARE SERVED AND UNREPRESENTED)

THIS CCC IS FILED UNDER ARTICLE 215 OF THE CONSTITUTION OF INDIA AND UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, PRAYS TO REGISTER THIS COMPLAINT AND PUNISH THE ACCUSED FOR HAVING COMMITTED CONTEMPT BY EXECUTING SALE DEED, VIOLATING INTEIRM ORDER IN RSA No.294/2015 DATED 23.03.2015 OF THIS COURT.

THIS CCC HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 11.06.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

CAV JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This Contempt of Court case is filed alleging wilful disobedience of the Order dated 23.03.2015 passed by the learned Single Judge in R.S.A.No.294/2015.

2. We have heard Shri. G. Papi Reddy, learned senior counsel as instructed by Shri. Manjunatha R.S, learned counsel appearing for the complainants and Shri. Rahul Kariappa, learned Additional Government Advocate appearing for accused No.4 and proforma respondent No.5.

Though notice was taken out and served on accused No.2 and 3, they are unrepresented.

3. It is submitted by the learned senior counsel appearing for the complainants that the complainants had instituted a suit in O.S.No.53/2009 before the Court of the Additional Civil Judge and JMFC, Mulbagal, in respect of land bearing Sy.No.57 of Singasandra Village, Duggasandra Hobli, Mulbagal Taluk, measuring 2 acres 15 guntas, seeking partition and separate possession of their $1/4^{\text{th}}$ share in the suit schedule properties. The said suit came to be dismissed by judgment and decree dated 27.06.2012. Aggrieved by the same, the complainants preferred R.A.No.162/2012 before the Court of the II Additional Senior Civil Judge and JMFC, Kolar. By judgment and decree dated 21.01.2015, the appellate Court partly allowed the appeal. While confirming the judgment and decree of the trial Court in respect of Suit Items No.1 to 4, the appellate Court held that the appellants were entitled to $1/4^{\text{th}}$ share each in Suit Items No.5 and 6.

4. Being aggrieved by the judgment and decree dated 21.01.2015 insofar as it confirmed the dismissal of the suit in respect of Suit Items No.1 to 4, the complainants preferred RSA No.294/2015 before this Court. Upon

consideration of the grounds urged in the appeal and the application seeking temporary injunction, this Court, by Order dated 23.03.2015, granted an interim order restraining the respondents from alienating the suit schedule properties.

5. It is further submitted that, notwithstanding the subsistence of the aforesaid interim order, accused No.1, acting through accused No.2 as her General Power of Attorney ('GPA') holder, executed a registered Sale Deed dated 10.11.2021 in favour of accused No.3, thereby alienating item No.2 of the suit property in violation of the order passed by this Court.

6. It is also submitted that the complainants had issued a legal notice dated 02.04.2015 informing the parties concerned about the interim order operating against alienation and calling upon them to protect the complainants' interest by giving due effect to the said interim order. Despite having knowledge of the subsisting restraint order, the Sale Deed came to be registered. Accused No.4, being the Sub-Registrar, ought to have

declined registration of the document in view of the operative interim order passed by this Court.

7. The learned Additional Government Advocate appearing for accused No.4 submits that the Sub-Registrar was not a party to RSA No.294/2015 and, therefore, cannot be alleged to have willfully disobeyed the interim Order dated 23.03.2015. It is further submitted that the complainants had not communicated the interim order passed by this Court to the office of the Sub-Registrar prior to registration of the Sale Deed. It is further submitted that the Legal Notice dated 02.04.2015 intimating the interim Order dated 23.03.2015, was received by the office of the Sub-Registrar only on 17.04.2023, long after the registration of the Sale Deed dated 10.11.2021. In the absence of any prior communication or intimation regarding subsistence of the interim order, the Sale Deed came to be registered. It is therefore contended that the registration of the Sale Deed dated 10.11.2021 does not constitute disobedience of the interim order dated 23.03.2015 passed by this Court.

8. We notice that the RSA No.294/2015 is still pending before this Court and the Sale Deed executed on 10.11.2021 by accused No.1 through her GPA, accused No.2 in favour of accused No.3 is obviously hit by the Doctrine of *Lis Pendens*. In case, it is found that the executant did not have the right and title over the property in question, the said transaction would stand invalidated since the proceedings were admittedly pending as on the date of the Sale Deed.

9. As regards to accused No.4, Sub-Registrar, Mulbagal, we notice that the question whether the alleged contemnor was made aware of the order is a disputed question of fact. Though, a copy of a Legal Notice dated 02.04.2015 is placed on record as Annexure - E, there is absolutely nothing on record to show that the said notice had been sent to accused No.4 or that it was received by him. Accused No.4 has filed an affidavit contending that it was never received.

10. The Apex Court in ***Ram Kishan v. Tarun Bajaj and Others*** reported in **(2014) 16 SCC 204**, has clearly

held that the proceedings even in civil contempt are quasi-criminal in nature and therefore, the standard of proof required is beyond all reasonable doubt. Further, it was held that to punish a contemnor it has to be established that disobedience is willful and deliberate. Further, ***in Jhareswar Prasad Paul and Another v. Tarak Nath Ganguly and Others*** reported in **(2002) 5 SCC 352**, the Apex Court has held at paragraph No.11, which reads as follows:-

"11. The purpose of contempt jurisdiction is to uphold the majesty and dignity of the courts of law, since the respect and authority commanded by the courts of law are the greatest guarantee to an ordinary citizen and the democratic fabric of society will suffer if respect for the judiciary is undermined. The Contempt of Courts Act, 1971 has been introduced under the statute for the purpose of securing the feeling of confidence of the people in general for true and proper administration of justice in the country. The power to punish for contempt of court is a special power vested under the Constitution in the courts of record and also under the statute. The power is special and needs to be exercised with care and caution. It should be used sparingly by the courts on being satisfied regarding the true effect of contemptuous conduct. It is to be kept in mind that the court exercising the jurisdiction to punish for contempt does not function as an original or appellate court for determination of the disputes between the parties. The contempt jurisdiction

should be confined to the question whether there has been any deliberate disobedience of the order of the court and if the conduct of the party who is alleged to have committed such disobedience is contumacious. The court exercising contempt jurisdiction is not entitled to enter into questions which have not been dealt with and decided in the judgment or order, violation of which is alleged by the applicant. x x x x x"

The same view has been reiterated in the in case of **Anil Ratan Sarkar and Others v. Hirak Ghosh and Others** reported in **(2002) 4 SCC 21**.

11. In the facts of the instant case, we are of the opinion that this is not a fit case to invoke the powers of this Court to punish for contempt. The Contempt of Court case fails and the same is accordingly **dismissed**.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

cp*