



CNR: KAHC010439992026

NC: 2026:KHC:40516
WP No. 19945 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 19945 OF 2026 (GM-CPC)

BETWEEN:

SRI. B.S. GURURAJ
S/O LATE SATHYANARAYANA,
AGED ABOUT 56 YEARS,
R/AT NO.31/2, GRAMADEVATHA ROAD,
LALBAGH UPPARALLI,
BENGALURU - 560 004,

...PETITIONER

(BY SRI. MANJUNATH K.V.,ADVOCATE)

AND:

1. MR. LALIT C JAIN
S/O CHANDULAL JAIN,
AGED ABOUT 46 YEARS,
R/AT. NO.9/1 GANAPATHI NIVAS,
JAIN TEMPLE ROAD, V. V. PURAM,
BENGALURU - 560 004
2. THE BRUHAT BENGALURU MAHANGARA PALIKE,
(BCC), BBMP, BENGALURU - 560 002,
REPRESENTED BY ITS COMMISSIONER,
3. SUNITHA,
W/O MANJAPPA,
AGED ABOUT 61 YEARS,
R/AT NO.18, 6TH CROSS,

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by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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HSR LAYOUT,
BENGALURU - 560 076.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO A. QUASHING THE ORDER DATED 03.06.2026 PASSED BY THE 74TH ADDL. CITY CIVIL AND SESSIONS JUDGE, MAYOHALL AT BENGALURU IN O.S. NO.25052/2024 AS PER ANNEXURE A AND B. FURTHER BE PLEASED TO ALLOW I.A. NO.II, AS PRAYED FOR, IN O.S NO.25052/2024 PENDING ON THE FILE OF 74TH ADDL. CITY CIVIL AND SESSIONS JUDGE, MAYOHALL AT BENGALURU VIDE ANNEXURE-F.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order passed in IA No.III in OS No.25052/2024 dated 03.06.2026 by the 74th Additional City Civil and Sessions Judge, Mayo Hall, Bengaluru, the petitioner-impleading applicant is before this Court.

2. The respondent herein, who is the plaintiff in the suit, has filed a suit seeking the relief of perpetual injunction



against BBMP. In the said suit, the petitioner herein filed an application under Order 1 Rule 10(2) read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC'), contending that he had lodged a complaint with BBMP regarding the alleged illegal construction carried out by the plaintiff. It is, therefore, contended that he is a proper and necessary party to the proceedings.

3. The Trial Court, by the order impugned, has dismissed the said application, observing that the presence of the petitioner is not required in the proceedings.

4. Learned counsel appearing for the petitioner submits that, based on the complaint given by the petitioner, who is a resident of the locality, the BBMP has taken action against the alleged illegal construction and thereafter, the plaintiff filed an instant suit before the Trial Court. Hence, it is contended that the petitioner is a proper and necessary party to the proceedings. It is further submitted that the Trial Court, without considering these aspects, has dismissed the application.



5. Having heard the learned counsel for the petitioner, perused the material on record.

6. The suit is one for a bare injunction against the BBMP. The petitioner seeks to implead himself as a party to the suit. The present suit is not a continuation of the proceedings initiated by the BBMP under the provisions of the Act, it stands on an altogether different footing. This Court, as well as the Hon'ble Apex Court, has held that he can be impleaded only to a limited scope as an intervener and cannot set up an independent claim. However, in this case, it is a separate suit for an injunction. Whatever order is passed by the Court will not bind the petitioner-impleading applicant. The grievance of the plaintiff is only against the BBMP. In those circumstances, this petitioner is not a proper and necessary party to the suit, and the Trial Court has rightly considered and dismissed the suit. Hence, this Court finds no reason to interfere with the impugned order.

7. In view of the aforesaid discussions, this Court is passing the following:



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ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. Pending IAs, if any, shall stand closed.

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

SMC
List No.: 1 Sl No.: 18