



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 6<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION NO. 20293 OF 2026 (GM-CPC)**

**BETWEEN:**

SMT. YASHODAMMA  
D/O. LATE. MANCHAIHAH,  
AGED ABOUT 50 YEARS,  
RESIDING AT RUDRAKSHIPURA VILLAGE,  
ATHGUR HOBLI, MADDR TALUK,  
MANDYA DISTRICT-571 429

...PETITIONER

(BY SRI. MANJANNA M.S., ADVOCATE)

**AND:**

1. SRI. GOWTHAM CHAND  
S/O. LATE. B. MANIKCHANAD RANKA,  
AGED ABOUT 70 YEARS,  
BUSINESS AND AGRICULTURIST  
RESIDING AT BAZAAR STREET,  
MADDUR TOWN,  
MANDYA DISTRICT-571 428

2. SRI. PRAKASH CHAND,  
S/O. LATE. B. MANIKCHANAD RANKA,  
AGED ABOUT 67 YEARS,  
BUSINESS AND AGRICULTURIST  
RESIDING AT BAZAAR STREET,  
MADDUR TOWN,  
MANDYA DISTRICT-571 428

...RESPONDENTS

(BY SRI.BHARATH KUMAR V., ADVOCATE FOR C/R1)



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED IN MA NO.2/2026 DATED 6-6-2026 BY THE HONBLE 1 ADDL, SENIOR CIVIL JUDGE AND JMFC AT MADDUR AT ANNEXURE-L AND DISMISSED THE SAME AND CONSEQUENTLY CONFORMED THE TRAIL COURT ORDER PASSED ON THE IA NO.2.

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 dated 06.06.2025 passed in M.A.No.2/2026 on the file of Senior Civil Judge and JMFC, Maddur, the petitioner/plaintiff is before this Court.

2. Petitioner herein has filed a suit for declaration that the plaintiff is an absolute owner of the suit schedule property item Nos.1 to 9, to declare that the sale deeds are not binding on the plaintiff, to direct defendant Nos.5 to 15 to handover the vacant peaceful possession of the suit schedule properties item Nos.1 to 9 in favour of the plaintiff and to issue a permanent injunction against defendant nos.5 to 15. In the said suit, defendant Nos.10 and 11 have filed the I.A.No.2 under Order 39 Rule 1 and 2 read with Section 151 CPC seeking an order of temporary injunction restraining the plaintiff from interfering



with the suit schedule property till disposal of the suit. It is the case of the defendants Nos. 10 and 11 that the plaintiff has filed a false suit against them and that she has no right to seek any claim in the suit. It is the case that the defendants have been in possession of the property since the date of execution of the sale deed. Hence, the question of interference with respect to their possession does not arise, and they claim to allow the application. That was dismissed by the trial Court.

3. While rejecting the said I.A, the Court has observed that defendant Nos.10 and 11 are seeking a temporary injunction against the plaintiff in respect of the suit schedule property. According to them, they are in possession of the property. The court observed that they are not seeking any counter claim and the application filed under Order 39 Rule 1 and 2 of CPC is not maintainable. They have also not made out a prima-facie case and hence they are not entitled to injunction. Accordingly, the Court rejected the I.A. Aggrieved by that, the petitioner has carried the same by filing M.A.No.2/2026 on the file of I Additional Senior Civil Judge and JMFC, Maddur. The Appellate Court, by the impugned order, has allowed the appeal and granted an injunction.



4. The appellate Court, while allowing the appeal has observed that the plaintiff in her objection filed to the I.A.No.11 has mentioned that the possession of the suit schedule properties was not handed over to the purchaser and she is in possession of the suit schedule properties as on the date of filing suit. But such averments are not found in the plaint. Therefore, the defendant Nos.10 and 11 are having prima-facie case in their favour and they are entitled to temporary injunction as sought for. If temporary injunction is not granted in their favour, the plaintiff may dispossess them, and it cannot be compensated in terms of money. Hence, irreparable loss and injury will be caused to defendant Nos.10 and 11 if temporary injunction is not granted in their favour at this stage. On the other hand, if the plaintiff succeeds in proving her case that the sale deed executed in favour of the father of defendant Nos.10 and 11 is by fraud and misrepresentation, she will get the relief claimed in the suit. The appellate Court further observed that therefore the balance of convenience is not in favour of the plaintiff; rather, it is in favour of defendant Nos.10 and 11. Hence, a temporary injunction was granted restraining the plaintiff from interfering with peaceful possession and



enjoyment of defendant Nos.10 and 11 over the suit schedule item No.1 property pending disposal of the suit.

5. Learned counsel appearing on behalf of the plaintiff submits that the petitioners are in possession of the property and there is a non-alienation clause. But as the plaintiff's father is illiterate, the sale deed was registered by taking advantage of that. It is submitted that they are not in possession, and the trial Court has rightly considered these aspects and refused to grant an injunction. However, the Appellate Court, without considering all these aspects, granted injunction without any basis. It is submitted that the defendant has failed to prove that he is in possession of the property. It is submitted that they have provided details showing that they are in possession of the property, which were not considered by the Court. It is submitted that the order impugned needs to be set aside.

6. Learned counsel appearing on behalf of respondent/defendant submits that the petitioner has filed a suit for declaration and recovery of possession. That itself clearly shows that the petitioner is not in possession of the property. In that case, the submission made before this Court



cannot be considered, which is contrary to the pleadings of the parties. Considering the fact that the defendant is in possession of the property and the petitioner is interfering with the same. The Court rightly granted an injunction, and there are no grounds to interfere.

7. Having heard the learned counsels on either side, perused the material on record. The suit is for declaration. The petitioner is the absolute owner of the property; to declare that the sale deeds are null and void and also the relief of recovery of possession is sought. If once the relief of recovery of possession is sought, that means the petitioner/plaintiff is accepting the possession of the defendant. There are sale deeds and now the plaintiff has to succeed in the suit for declaration proving that he is the owner of the property and the sale deed executed has to be set aside. According to the plaintiff, in spite of a non-alienation clause, the property is sold. All these aspects has to be decided during the course of the trial. The prayer that is sought in the plaint for recovery of possession coupled with the pleadings of the defendant and other relevant material, the appellate court has rightly granted



an injunction, and this Court finds no reason to interfere. In that view of the matter, this Court is passing the following:

**ORDER**

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All pending I.As., in the writ petition shall stand closed.

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

PKN  
List No.: 1 SI No.: 56