



CNR: KAHC010467262026

NC: 2026:KHC:36929
WP No. 21216 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 21216 OF 2026 (GM-CPC)

BETWEEN:

1. SRI.M.M.THIMMAIAH
SON OF LATE MUDALAGIRIAIAH,
AGED ABOUT 56 YEARS,
R/AT MUDIGERE SHETTIPALYA,
TURUVEKERE VILLAGE,
YEDIYUR HOBLI, KUNIGAL TALUK,
TUMAKURU DISTRICT,
PINCODE - 572 130
2. SRI.M.M.GANGADHARA,
SON OF LATE MUDALAGIRIAIAH,
AGED ABOUT 53 YEARS,
RESIDING AT MUDIGERE SHETTIPALYA,
TURUVEKERE VILLAGE, YEDIYUR HOBLI,
KUNIGAL TALUK, TUMAKURU DISTRICT,
PINCODE -572 130
3. SRI.M.M.RAMAKRISHNA,
SON OF LATE MUDALAGIRIAIAH,
AGED ABOUT 51 YEARS,
RESIDING AT MUDIGERE SHETTIPALYA,
TURUVEKERE VILLAGE, YEDIYUR HOBLI,
KUNIGAL TALUK, TUMAKURU DISTRICT,
PINCODE -572 130
4. SRI. SRINIVAS.T,
SON OF THIMMAPPA @ THIMMEGOWDA,
SON OF LATE MUDALAGIRIAIAH,
AGED ABOUT 49 YEARS,

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA



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RESIDING AT MUDIGERE
SHETTIPALYA, TUVVEKERE VILLAGE,
YEDIYUR HOBLI, KUNIGAL TALUK,
TUMAKURU DISTRICT,
PINCODE - 572 130

...PETITIONERS

(BY SRI. PUNITH C., ADVOCATE)

AND:

1. SMT.MAGADAMMA
SON OF GOVINDAIAH.M.C,
AGED ABOUT 51 YEARS,
RESIDING AT MUDIGERE SHETTIPALYA,
TUVVEKERE VILLAGE, YEDIYUR HOBLI,
KUNIGAL TALUK, TUMAKURU DISTRICT,
PINCODE - 572 130
2. SRI.GOVINDAIAH.M.C,
SON OF LATE CHIKKAIAH,
AGED ABOUT 63 YEARS,
RESIDING AT MUDIGERE SHETTIPALYA,
TUVVEKERE VILLAGE, YEDIYUR HOBLI,
KUNIGAL TALUK, TUMAKURU DISTRICT,
PINCODE - 572 130

...RESPONDENTS

(BY SRI. SHARATH S GOWDA, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI, TO SET-ASIDE THE IMPUGNED ORDER DATED 01.07.2025 PASSED IN M.A.NO.52/2025 BY THE LEARNED ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, KUNIGAL AS PER ANNEXURE- G AND ALSO THE IMPUGNED ORDER DATED 04.08.2025 IN O.S.NO.141/2025 PASSED BY THE LEARNED PRINCIPAL CIVIL JUDGE AND JMFC, KUNIGAL AS PER ANNEXURE-E.

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 dated 01.07.2026 passed in M.A.No.52/2025 by the Additional Senior Civil Judge and JMFC, Kunigal, whereby the Appellate Court has affirmed the order dated 04.08.2025 passed in O.S.No.141/2025 by the Principal Civil Judge and JMFC, Kunigal, the petitioners/defendants are before this Court.

2. The respondents herein filed O.S.No.141/2025 for injunction. Along with the suit, the plaintiffs filed I.A.No.1 seeking an ad-interim temporary injunction restraining the defendants from interfering with the physical possession and enjoyment of the suit schedule-A and schedule-B properties of the plaintiffs. That application was allowed by the trial Court.

3. While allowing the application, the trial Court observed that the existence of a prima facie case alone does not entitle the applicant for a temporary injunction. The second condition for granting an interim injunction is that the balance



of convenience must be in favour of the applicant. The trial Court further observed that the plaintiffs have also filed joint undertaking affidavits, stating that, in case a road is established over the suit 'A' and 'B' schedule properties and found illegal at a later stage, they are ready to demolish the constructed house at their own cost. On perusal of the rival contentions and the position of either party at this stage, the defendants have not placed any documents to show that their alleged right to use the said road. Even though they have admitted the purchase of the 'B' schedule property by the plaintiff No.1 and that the 'A' schedule property was allotted to her husband as per the partition, the trial Court observed that the plaintiffs have shown a *prima facie* case that they are in possession of the suit schedule properties based on the Sale Deed and parikath, along with revenue documents, and are entitled to an injunction. The defendants carried this in appeal, and the Appellate Court dismissed the appeal.

5. Learned counsel appearing for the petitioners submits that at the end of paragraph No.29 of the impugned order, the Appellate Court has observed that the trial Court was



right in granting injunction. But in the entire order, there is no discussion about the contentions that are raised and how the order passed by the trial Court is correct. It is submitted that the defendants' submissions were not discussed at all by the trial Court.

6. Learned counsel appearing for the respondents/ plaintiffs submits that the Appellate Court has rightly considered the contentions of the respective parties. He further submits that in paragraphs 25 to 29, there is a discussion on the plaintiff's entitlement to an injunction and how the defendants could not make out their case. It is submitted that it is a well considered order passed by the Appellate Court, and both Courts have concurrently held against the petitioners, who are not entitled to any relief.

7. Having heard the learned counsels on either side, perused the entire material on record. This Court has perused the order of the Appellate Court. As rightly argued by the learned counsel for the petitioner, the Appellate Court's order, on the face of it, disclosed that if fail to discuss the ingredients for the grant of an injunction or the contentions of the



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respective parties, and also fails to consider the case of the defendants and on what grounds the order of the trial Court is conformed. In that view of the matter, this Court deems it appropriate to pass the following order:

ORDER

- i. The order dated 01.07.2026 passed in M.A.No.52/2025 by the Additional Senior Civil Judge and JMFC, Kunigal, is **set aside** and the matter is **remanded back** to the Appellate Court.
- ii. The Appellate Court shall consider the appeal in accordance with law within as expeditiously as possible, but not later than eight weeks.
- iii. This Court has not expressed any opinion on the merits of the matter, and the observations made by this Court are only for the limited purpose of disposing of this writ petition.
- iv. Accordingly, the writ petition is **allowed**.
- v. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 40