



CNR: KAHC010477622026

NC: 2026:KHC:52410
WP No. 22046 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 22046 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. KALEGOWDA
S/O LATE VENKATERAMANEGOWDA,
AGED ABOUT 73 YEARS,
R/O MANUGNAHALLI VILLAGE,
BILIKERE HOBLI, HUNSUR TALUK,
MYSURU DISTRICT,
KARNATAKA- 571103
2. SRI. CHANDREGOWDA,
S/O LATE VENKATERAMANEGOWDA,
AGED ABOUT 68 YEARS,
R/O CHANDAGALU VILLAGE,
HEBBALU HOBLI,
K.R. NAGARA TALUK,
MYSURU DISTRICT,
KARNATAKA- 571602

...PETITIONERS

(BY SRI. K.R.NAGARAJA, ADVOCATE)

AND:

SRI. M.G. VASUDEVA
S/O LATE M.V. GOVINDEGOWDA,
AGED ABOUT 72 YEARS,
R/O BELAGOLA VILLAGE,
SRIRANGAPATNA,
MANDYA DISTRICT,
KARNATAKA- 571606

...RESPONDENT

(BY SRI. P. MAHESH, ADVOCATE)

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signed by
VINUTHA B
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Location:
High Court
of Karnataka



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THIS WP IS FILED UNDER ARTICLE 226 OF CONSTITUTION OF INDIA PRAYING TO QUASH ANNEXURE-G/THE IMPUGNED JUDGMENT DATED 15.04.2026 IN M.A.NO.1/2026 ON THE FILE OF THE COURT OF THE FIRST ADDITIONAL SENIOR CIVIL JUDGE AND JUDICIAL MAGISTRATE FIRST CLASS, AT HUNSUR /APPELLATE COURT.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

Heard Sri. K.R. Nagaraja, learned counsel for the petitioners, and Sri. P. Mahesh, learned counsel for the respondents.

2. This petition is filed impugning the order dated 15.04.2026 passed in M.A. No.1/2026, whereby the defendants have been restrained from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property till disposal of the suit.

3. The plaintiff filed a suit for permanent injunction in respect of the suit schedule property bearing Sy. Nos.83/1, 83/2 and 83/3, measuring 3 acres 34 guntas, along with an application under Order XXXIX Rules 1 and 2 of the Code of



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Civil Procedure, 1908 (hereinafter referred to as 'CPC'). The trial Court, by order dated 19.12.2025, dismissed the application filed under Order XXXIX Rules 1 and 2 of the CPC. Aggrieved by the said order, the plaintiff preferred an appeal before the First Appellate Court.

3.1 The First Appellate Court, by the impugned order, allowed the appeal and restrained the defendants from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

4. The learned counsel appearing for the petitioners submits that the petitioners claim right, title and interest over an extent of 3 acres 34 guntas in Sy. Nos.83/1, 83/2 and 83/3. However, the sale deeds relied upon by the respondents pertain only to a portion of the said land, measuring 1 acre 11½ guntas, comprised in two survey numbers, and do not cover the entire extent of the suit schedule property, measuring 3 acres 34 guntas. It is further submitted that the revenue entries in respect of the land measuring 1 acre 11½ guntas in Sy. No.83/1 stand in the names of the petitioners.



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4.1 The learned counsel submits that, considering the aforesaid circumstances, the trial Court rightly rejected the application for injunction. It is contended that the First Appellate Court, while exercising appellate jurisdiction, exceeded the scope of consideration of the order passed by the trial Court and, without appreciating that the sale deeds relied upon do not cover the entire extent of the suit schedule property, proceeded to pass the impugned order. It is further submitted that, as the revenue entries presently stand in the names of the petitioners, the same carry a statutory presumption regarding possession of the said land by the petitioners.

4.2 Learned counsel for the petitioners, placing reliance on the judgment of the Hon'ble Supreme Court in ***Sanjay Paliwal and Another v. Bharat Heavy Electricals Ltd., through its Executive Director***, in ***Civil Appeal No.6075/2016***, submits that, where a cloud is raised over the title and possession of an immovable property, a suit for bare injunction would not be maintainable.



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5. *Per contra*, learned counsel appearing for the respondent, who is on caveat, submits that the claim of the petitioners pertains to Sy. No.83/1. It is submitted that, as per the registered sale deed and the revenue entries, the said property stands in the name of the respondent and his possession is also established. Learned counsel further submits that, even in the revenue records wherein the names of the petitioners are entered, the possession of the said land is shown to be with the respondent. It is therefore submitted that the First Appellate Court, having considered the aforesaid aspects, has rightly passed the impugned order.

5.1 Learned counsel for the respondent, placing reliance on the judgment of the Hon'ble Supreme Court in ***Shruti Manav Sharma and Another v. Sunanina Singh and Others, 2026 SCC OnLine SC 1549***, submits that, while considering the existence of a *prima facie* case at the threshold, a *prima facie* case does not mean a case proved to the hilt, but a case which can be said to have been established.

6. Considered the submissions made by the learned counsel for the parties and perused the impugned orders.



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7. The trial Court, by order dated 19.12.2025, after recording that the plaintiff claims right in the suit schedule property under registered sale deeds and possession thereof for more than 15 years on the basis of the said documents, rejected the application on the ground that the sale deeds pertain only to an extent of 2 acres 23 guntas and do not cover the entire extent of the suit schedule property, namely, 3 acres 34 guntas.

8. However, it is to be noticed that, while rejecting the application, the trial Court recorded a finding that the plaintiff claims right in respect of Sy. Nos.83/1 and 83/2 under registered sale deeds. The trial Court, thereafter, without properly considering the effect of the said sale deeds and by referring to the mutation register, held that the land bearing Sy. No.83/1, measuring 1 acre 11½ guntas, stands in the names of the defendants. However, the revenue documents placed before this Court, insofar as Sy. No.83/1 measuring 1 acre 11½ guntas is concerned, indicate the plaintiff/respondent to be in occupation of the said land. Moreover, the plaintiff's



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claim in respect of Sy. No.83/1 is based on registered sale deeds.

9. The First Appellate Court, upon consideration of the aforesaid aspects, which prima facie establish the plaintiff's title and possession in respect of Sy. Nos.83/1 and 83/2, has rightly passed the impugned order. Even on a careful perusal of the documents placed before this Court, it is evident that the plaintiff claims right and title in respect of Sy. No.83/1 on the basis of registered sale deeds dated 21.01.1988 and 13.05.1993. No doubt, the said sale deeds pertain only to Sy. Nos.83/1 and 83/2, measuring 1 acre 11½ guntas each, whereas the suit schedule property comprises three survey numbers measuring 3 acres 34 guntas. The trial Court has also recorded that the plaintiff claims right in respect of Sy. No.83/3, measuring 1 acre 11½ guntas, which is not covered by the aforesaid sale deeds, however based on revenue entries.

10. Moreover, it appears that there is no dispute insofar as Sy. Nos.83/2 and 83/3 are concerned. In the light of the sale deeds and the other revenue entries, which prima facie establish the plaintiff's possession over the land bearing Sy.



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No.83/1 measuring 1 acre 11½ guntas, a prima facie case is made out in favour of the plaintiff. The First Appellate Court has rightly exercised its discretion on consideration of the material placed on record. The prima facie finding recorded by the First Appellate Court is based on an appreciation of the material on record and does not warrant interference by this Court.

Accordingly, the writ petition stands ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

BKN
List No.: 1 Sl No.: 4