



CNR: KAHC010489622026

NC: 2026:KHC:39613
WP No. 22183 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 22183 OF 2026 (GM-CPC)

BETWEEN:

1. SMT.MARAMMA
W/O.NAGAPPA
AGE 55 YEARS.

2. SRI.CHINNASWAMY
S/O. LATE BASAPPA
AGE 62 YEARS.

3. SRI.KALAPPA
S/O.NAGAPPA
AGE 58 YEARS.

4. SRI.SHIVANANJAPPA
S/O. LATE BASAPPA
AGE 55 YEARS.

ALL ARE R/AT MARIYALA VILLAGE,
KASABA HOBLI,
CHAMARAJANAGAR TALUK - 571 313

...PETITIONERS

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

AND:

1. SRI JAYASHEKAR H G
S/O.GANGADHAR H.G.
AGE 46 YEARS.

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA



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2. SRI.BHUVANESH SIDDARTH H.N.
S/O.G.NAGARAJU
AGE 36 YEARS.

BOTH ARE R/AT BELURU ROAD,
2ND STAGE, VIJAYANAGAR
HASSAN CITY,
HASSAN DISTRICT - 573 201.

...RESPONDENTS

(BY SRI. PRASANNA V.R., ADVOCATE FOR C/R1)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER WRIT OR DIRECTION TO QUASH THE IMPUGNED ORDER DATED 06.07.2026 IN M.A.NO.11/2026 PASSED BY THE SENIOR PRINCIPAL SENIOR CIVIL JUDGE AND CJM, CHAMARAJANAGAR PRODUCED AT ANNEXURE-A.

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 06.07.2026 passed in MA No.11/2026 by the Principal Senior Civil Judge and CJM at Chamarajanagar, the petitioners-defendants are before this Court.

2. The respondents herein have filed a suit for a bare injunction and also filed an IA No. 1 seeking a temporary



injunction. That was dismissed by the Trial Court by order dated 27.04.2026. While rejecting the application for an injunction, the Trial Court observed that the defendants, in fact, have filed a suit against the purchasers seeking a declaration and an injunction. In that suit, the Court has granted an injunction, and the said injunction is subsisting. Further, the plaintiffs are the developers who have entered into a joint development agreement with the defendant in the suit for declaration.

3. The Court has further observed that, in the suit, the title and possession of the parties are in dispute. The defendants have already approached the competent court for a declaration and injunction, and the parties to the joint development agreement have already contested their case before the Court. After the appearance of defendant Nos. 4 to 6, the Court granted a temporary injunction in favour of the plaintiffs, i.e., the defendants in the present suit, by passing a detailed order. The plaintiffs are standing in the shoes of defendant Nos. 4 to 6 in the other suit, as the Court passed an order physically restraining the defendants, their agents, or anybody acting on their behalf. The suit has been filed by the



plaintiffs for an injunction after knowing the pendency of the above suit, and no satisfactory explanation has been given by the plaintiffs as to why they have filed the suit before the Court. The order granting an injunction in favour of the defendants herein in the suit for declaration is nothing but an acceptance of their possession. Therefore, the Court cannot give contrary findings with regard to possession. Moreover, if the application is not allowed, no hardship will be caused to the plaintiffs, and their rights would not be defeated, as they may get damages from the execution of the joint development agreement. Hence, the Court has dismissed the application.

4. When the matter was carried in the appeal, the Appellate Court, by order dated 06.07.2026, granted an injunction in favour of the plaintiffs. While granting the injunction, the Appellate Court observed that the present suit is for declaration and permanent injunction. The questions relating to title, ownership, and the ultimate rights of the parties over the suit schedule property are disputed questions of fact and law, which can be conclusively adjudicated only after a full-fledged trial. At this stage, considering an application under Order XXXIX and Rules 1 and 2 of the CPC, it



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is not required to record any final finding regarding the title or ownership. The scope of consideration is confined to examining whether the plaintiffs have established the prima facie case, whether the balance of convenience lies in their favour, and whether refusal of a temporary injunction would result in irreparable injury.

5. The Court observed that the documentary evidence produced by the applicants, including the registered joint development agreement, the registered sale deed, mutation entries, revenue records and the conversion order, prima facie establish their lawful right and possession for the limited purpose of deciding the application for temporary injunction. Therefore, the trial Court was not justified in rejecting the application by entering into issues relating to title and possession, which are required to be finally determined after a full-fledged trial. The rights, title and interest of the parties shall ultimately be decided by the trial Court on the basis of the evidence adduced during the course of the trial. Accordingly, the Court has granted the injunction.



6. Learned counsel appearing for the defendants submits that when the trial Court considered the earlier suit filed by the defendant, who is the petitioner herein, it rightly refused to grant an injunction and judiciously exercised its discretion. It is submitted that the appellate Court has now gone beyond the jurisdiction conferred on it and has granted an injunction, and the reasons assigned by the Court for granting the injunction cannot be sustained. It is submitted that the owner himself is a party to the earlier suit and is suffering where there is an order of injunction based on an agreement executed by him. The plaintiff herein cannot file a suit for injunction. All these aspects were rightly appreciated by the trial Court, but the appellate Court lost sight of those facts and granted an injunction. It is submitted that the impugned order needs to be set aside.

7. Learned counsel appearing for the respondents-plaintiffs submits that when an application is filed under Order XXXIX Rules 1 and 2 of the CPC seeking an injunction, the plaintiff has to place material showing a prima facie case, the balance of convenience, and irreparable loss. The plaintiff has shown a prima facie case, based on the registered development



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agreement, the RTC extracts, and other documents, which clearly establish title and the prima facie case. Further, he has invested huge amounts, and if this construction is stopped, it would cause a lot of hardship. Hence, there is a balance of convenience and irreparable loss in favour of the plaintiff. These aspects were rightly appreciated by the Appellate Court. However, the Trial Court failed to exercise discretion and consider the parameters for granting an order of injunction. The Appellate Court rightly exercised discretion, and there are no grounds to interfere with the well considered order passed by the Trial Court.

8. He has relied on an order of the Hon'ble Apex Court in the case of ***Skyline Educational Institution (Pvt.) Ltd. Vs. S. L. Vaswani and Another***. He relied on paragraph No. 16 of the judgment, which reads as follows:

"16. The ratio of the above noted judgments is that once the court of first instance exercises its discretion to grant or refuse to grant relief of temporary injunction and the said exercise of discretion is based upon objective consideration of the material placed before the court and is supported by cogent



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reasons, the appellate court will be loath to interfere simply because on a de novo consideration of the matter it is possible for the appellate court to form a different opinion on the issues of prima facie case, balance of convenience, irreparable injury and equity."

9. He has also relied on another judgment of a Co-ordinate Bench of this Court in MFA No. 8849/2025, dated 02.04.2026, in the case of **Smt. Manjula T.S., and Others vs. Manjula N.** He relied on paragraph No. 9 of the judgment, which reads as follows:

"9. It is also seen from the records that the plaintiff has placed reliance on the registered sale deed dated 27.04.2021 and the gift deed dated 05.01.2023, along with the supporting documents such as katha, tax paid receipts and other documents. At this interlocutory stage, these documents prima facie indicate that the plaintiff has derived title and is in possession of the suit property."

10. Relying on the aforesaid judgments, it is submitted that the petitioners have made out a prima facie case and that the injunction granted in the other case was without



appreciating the facts of that case. In fact, an appeal has been filed against that injunction, and the same is pending consideration. Hence, at this stage, that cannot be the basis for the Court to reject the case of the plaintiff.

11. Having heard the learned counsel on either side, perused the material on record.

12. The suit is filed by the respondents against the plaintiffs herein for a bare injunction. The defendants herein have filed a suit for declaration and injunction against the defendants therein, who are the purchasers. The petitioners-plaintiffs in this suit had entered into a development agreement with the defendants in the suit for declaration. An injunction has been granted in the suit for declaration against the defendants, and it will operate against the defendants, their assignees, and any other person deriving right and title through them. The joint development agreement is entered into between the defendant in the declaration suit and the petitioner. In a way, the injunction that is granted against the owner of the property operates against the plaintiffs in the present suit, who have entered into a joint development



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agreement in respect of the very same suit-scheduled properties. It is the submission of the learned counsel that, by placing the joint development agreement and the title deeds, he has shown a prima facie case and relies on the judgment of the Co-ordinate Bench. In a normal sense, when a party comes to the court seeking an injunction, the court would look at the prima facie case, and in a normal course, all these documents would constitute a prima facie case, but not in a case where the owner of the property himself has suffered an interim injunction order which is subsisting. In those circumstances, the plaintiffs cannot say that they have made out a prima facie case. The Trial Court has rightly observed that, when the suit for declaration and injunction is pending and the owner of the property has suffered an injunction order that is subsisting, how the suit for injunction is filed is not known. In these circumstances, the Trial Court has rightly appreciated all the facts and rightly rejected the application for injunction. However, the Appellate Court has travelled beyond the jurisdiction conferred on the Court and has granted an injunction, contrary to the settled principles of law.



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13. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***allowed***.
- ii. The order impugned dated 06.07.2026 passed in MA No.11/2026 by the Principal Senior Civil Judge and CJM at Chamarajanagar, needs to be set aside.
- iii. The order of the Trial Court is restored.
- iv. Any of the observations made by this Court shall not be construed as an expression of the Court, as they are only for the purpose of deciding the introductory application.
- v. Pending IAs, if any, shall stand closed.

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

SMC
List No.: 1 Sl No.: 3