



CNR: KAHC010515332026

NC: 2026:KHC:40612
WP No. 23450 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. 23450 OF 2026 (GM-CPC)

BETWEEN:

SRI Y.C.ESHWAR REDDY
S/O Y.C.SANDEEP REDDY
AGED ABOUT 28 YEARS
RESIDING AT NO.1010
ABOVE CORPORATION BANK
26TH MAIN ROAD, JAYANAGAR
4TH T BLOCK
BENGALURU-49

...PETITIONER

(BY SRI. V.G.BHANUPRAKASH, ADVOCATE)

AND:

1. SRI.KEMPEGOWDA
S/O LATE BYREGOWDA
AGED ABOUT 68 YEARS
2. SMT.RATHNAMMA
W/O KEMPEGOWDA
AGED ABOUT 63 YEARS
3. SMT. SUJATHA
D/O KEMPEGOWDA
AGED ABOUT 38 YEARS
4. SMT.SHASHIKALA G.K.,
D/O KEMPEGOWDA
AGED ABOUT 37 YEARS

Digitally
signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



NC: 2026:KHC:40612
WP No. 23450 of 2026

CNR: KAHC010515332026

5. SRI.BYRARAJU
S/O KEMPEGOWDA
AGED ABOUT 35 YEARS
6. SRI.NAGARAJU G.K.
S/O KEMPEGOWDA
AGED ABOUT 33 YEARS
7. SMT.ASHWINI
W/O BYRARAJU
AGED ABOUT 29 YEARS
8. SMT. NETHRA
W/O NAGARAJU G K
AGED ABOUT 32 YEARS

ALL ARE RESIDING AT
GADARANAHALLI VILLAGE,
MARALAVADI HOBLI
HAROHALLI TALUK
RAMANAGARA DISTRICT
NOW BANGALORE SOUTH DISTRICT

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL
FOR RECORDS IN O.S.NO.784/2026 PENDING ON THE FILE OF
THE COURT OF SENIOR CIVIL JUDGE AND JMFC, KANAKAPURA.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



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ORAL ORDER

The petitioner/plaintiff is aggrieved by the order dated 23.07.2026 passed on I.A.No.1 in O.S.No.784/2026 by the Senior Civil Judge and JMFC, Kanakapura, whereby the trial Court has issued suit summons and held that the petitioner has not made out any grounds to grant interim injunction. At the same time, trial Court has not rejected the application for interim injunction.

2. Learned counsel appearing on behalf of the petitioner submits that the suit is filed for Specific Performance, seeking an injunction not to alienate the property. The Court records the reason that the plaintiff did not submit the recent revenue records for the disputed property. It is submitted that the Court has failed to consider the parameters for grant of an interim injunction, and in the entire order, except on page No.23 of the writ petition material papers, the trial Court has failed to consider the case of the plaintiff. It is further submitted that, in the meantime, if third-party rights have accrued, it would be unnecessary lead to multiplicity of proceedings, and this Court may please grant an ad-interim



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WP No. 23450 of 2026

injunction restraining the defendants from alienating the property.

3. Having heard learned counsel appearing on behalf of the petitioner, perused the material on record. I.A.No.1 filed for an interim injunction is not dismissed. The trial Court, in fact, finds that the petitioner has not made out a case and then issues suit summons. This Court has perused the order, and in the entire order, no discussion is forthcoming on the parameters, what the petitioner has failed to fulfil, and what the Court has to consider at the interlocutory stage. Except for discussing the settled law, the trial Court has failed to consider the facts and circumstances of the case. In that view of the matter, this Court is passing the following:

ORDER

- i. The order dated 23.07.2026, passed on I.A.No.1 in O.S.No.784/2026 by the Senior Civil Judge and JMFC, Kanakapura is ***set aside.***
- ii. The trial Court shall hear the matter afresh and pass orders in accordance with law



NC: 2026:KHC:40612
WP No. 23450 of 2026

CNR: KAHC010515332026

within a period of one week from the date
of receipt of the copy of the order.

- iii. Accordingly, the writ petition is ***allowed***.
- iv. All pending I.As., in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 Sl No.: 49