



CNR: KAHC010546762026

NC: 2026:KHC:42514
WP No. 24613 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.24613 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. M. NAGARAJ
S/O LATE MUNIYAPPA
AGED ABOUT 60 YEARS
R/AT NO.16,
NAKSHATRA RESIDENCY,
FLAT NO.401, 3RD CROSS
VRUSHABHAVATHI NAGAR,
KAMALANAGAR,
BENGALURU - 560 079
2. SRI. HARSHA,
S/O M. NAGARAJ,
AGED ABOUT 25 YEARS
R/AT NO.16,
NAKSHATRA RESIDENCY,
FLAT NO.401, 3RD CROSS
VRUSHABHAVATHI NAGAR,
KAMALANAGAR,
BENGALURU - 560 079

...PETITIONERS

(BY SRI. H.N.SHASHIDHARA, SENIOR COUNSEL FOR
SRI. SRINIVASA MURTHY D, ADVOCATE AND
SRI. SUHAS S PATEL, ADVOCATE)

AND:

1. SRI. MANJUNATH M.
S/O LATE MUNINANJAPPA



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ALIAS KRISHNAPPA
AND SMT. LATE PUTTAMMA
AGED ABOUT 53 YEARS,
R/AT KANNAMANGALA VILLAGE
KANNAMANGALA POST,
BIDARAHALLI HOBLI,
BENGALURU EAST TALUK,
BENGALURU - 560 067

2. SRI. JAYARAM N.
S/O LATE NARAYANAPPA
AGED ABOUT 75 YEARS,
R/AT KANNAMANGALA VILLAGE
KANNAMANGALA POST,
BENGALURU EAST TALUK,
BENGALURU - 560 067
3. SRI. SEETHARAM,
S/O JAYARAM N,
AGED ABOUT 45 YEARS,
R/AT KANNAMANGALA VILLAGE,
KANNAMANGALA POST,
BENGALURU EAST TALUK,
BENGALURU - 560 067
4. SRI J. SRIDHAR,
S/O JAYARAM N,
AGED ABOUT 40 YEARS
R/AT KANNAMANGALA VILLAGE,
KANNAMANGALA POST,
BENGALURU EAST TALUK,
BENGALURU - 560 067

...RESPONDENTS

(BY SRI. P.B.RAJU, ADVOCATE FOR C/R1)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR
DIRECTION, QUASHING THE ANNEXURE-A DISMISSING THE
ORDER IN M.A NO.106/2026 DATED 01-08-2026 PASSED BY



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THE 1ST ADDITIONAL SENIOR CIVIL JUDGE, BANGALORE
RURAL DISTRICT, BANGALORE AND ETC

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 orders passed in I.A.No.1 in O.S.No.289/2026 dated 02.07.2026 by the Civil Judge and JMFC, Krishnarajapura, Bengaluru Rural District and which is confirmed by the Appellate Court by order dated 01.08.2026 in M.A.No.106/2026 by the 1st Additional Senior Civil Judge, Bengaluru Rural District, the defendant Nos.4 and 5 are before this Court.

2. The respondent herein has filed suit for a bare injunction. In that suit, he has filed I.A.No.1 under Order XXXIX Rules 1 and 2 of the CPC, seeking an ad interim injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the property. The trial court, by order dated 02.07.2026, granted an injunction. While granting the injunction, the trial court observed that the RTC extracts for the year 2026 pertaining to Sy.No.174 were also carefully



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examined. They show that the total extent of the survey number is 31 acres, of which 13 acres 28 guntas is classified as Sarkari Gomala. They further record the names of defendant No.4 and other purchasers in respect of 5 acres 20 guntas and 2 acres 10 guntas, respectively. The same RTC also records the plaintiff's name in respect of 2 acres under M.R.No. T9/2025-26 dated 06.11.2025. The trial court observed that the revenue records presently disclose entries in favor of both parties in respect of different extents carved out of the larger survey number. Whether the plaintiff's mother lost her revenue entries after 1984-85, whether such omission was justified, and whether the subsequent mutation in favor of the plaintiff has been legally effected are all disputed questions of fact. Likewise, the rival's claims regarding the identity and title to the suit property involve matters that require an appreciation of oral and documentary evidence. Such issues cannot be conclusively decided at the interlocutory stage and necessarily require a full-fledged trial. Accordingly, the trial court concluded that the plaintiff's name appears in the revenue record. The existing revenue entries constitute prima facie material



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indicating the plaintiff's possession of the suit property, and accordingly, an injunction was granted.

3. The petitioners herein have carried the matter by filing M.A.No.106/2026, which was dismissed on 01.08.2026, confirming the order passed on I.A.No.1 in O.S.289/2026 dated 02.07.2026. The Appellate Court, while confirming the order of the trial Court, observed that an injunction is an equitable relief. The person seeking an injunction must approach the Court with clean hands and establish their right over the property. On perusal of the defendant's written statement, it appears that defendant Nos.4 and 5 have not asserted any right, title, or interest in any manner over the suit schedule property, nor over the property alleged to have been purchased by defendant No.3, as contended in the written statement. It is further pertinent to note that in the present appeal, defendant No.3, arrayed as respondent No.4, ought to have joined with the appellant, since it is defendant No.3 who is claiming to be the purchaser of the property mentioned in the written statement. It is also pertinent to note that respondent/defendant No.3 would have appeared and filed his



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cross-objection, which has not been done, since the appellant has got the appeal against respondent Nos.2 to 4 dismissed. Under these circumstances, the appellant has no right over the suit schedule property or over the property alleged to be purchased by respondent No.4/the defendant No.3. Nevertheless, no documents have been produced by the applicant to show that the suit schedule property and the property alleged to be purchased by defendant No.3 are one and the same, much less to show that defendant No.3 has purchased the property mentioned in the written statement. The trial Court has rightly observed that the plaintiff is entitled to an injunction and accordingly granted an injunction.

4. Learned Senior Counsel, representing the learned counsel for the petitioner, submits that when the matter was pending before the Appellate Court, the Appellate Authority had stayed the operation of the order granting the injunction, based on the document on which the injunction was granted. It is submitted that the petitioner's grant discloses that the property is as per the sketch. Learned Senior Counsel has drawn the Court's attention to the sketch, which does not contain any



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boundaries. It is submitted that Sy.No.174 consists of 31 acres. According to the defendants, they have the property, and the plaintiffs were given a grant. As the boundaries are not clear, and in those circumstances, the plaintiff has not made out a prima facie case; the trial Court ought not to have granted an injunction. It is submitted that the Appellate Court, despite placing the document before the Court, has failed to give any finding on the same and has mechanically confirmed the order passed by the trial Court. It is submitted that the order impugned before this Court needs to be set aside and the writ petition has to be allowed.

5. Learned counsel appearing for the respondents submits that both Courts have concurrently found that the petitioner's property and the defendant's property are not one and the same. As for the plaintiff's property, he has placed the grant before the Court to show his possession. The trial Court, having been convinced of this, found that he could make out a prima facie case and that the other two ingredients were also satisfied. Accordingly, the trial Court has rightly granted an injunction. It is submitted that, as per the written statement,



defendant No.3 is the owner of the property. The appeal and this writ petition are also filed by defendant Nos.4 and 5. When defendant Nos.4 and 5 have no interest in the property, they cannot come before this Court by filing the present writ petition. It is also submitted that, on the concurrent facts recorded by both Courts, this Court, exercising jurisdiction under Article 227 of the Constitution of India, cannot go into the factual aspects and there may be no interference with a well-considered order passed by the trial Court.

6. Having heard the learned Senior Counsel for the petitioner and the learned counsel for the respondent, have perused the material on record. The Court finds that the plaintiff/respondent has filed the suit seeking an injunction in respect of all the pieces and parcels of the agricultural land bearing Sy. No. 174, measuring 2 acres, situated at Kannamangala Village, Bidarahalli Hobli, Bangalore East Taluk. The boundaries are stated as East by the remaining property of the same Sy. No. 174, West by the property belonging to Muniswamappa, North by the road, and South by the remaining property of the same Sy. No. 174. It is also an admitted fact



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that the grant was in favor of the plaintiff's predecessor way back in the year 1967, and as per the grant, the boundaries of the properties are as per the sketch. This Court has perused the sketch. Based on the sketch, the Court cannot come to any conclusion about the boundaries of the property. It is also an admitted fact that the entire Sy. No. 174 consists of 31 acres of land. In those circumstances, the Court must determine what property is claimed by the petitioner, what are the boundaries of the property claimed by the petitioner, and what are the boundaries of the property claimed by the defendants. The Court, unless and until it comes to a prima facie conclusion and, basing on the RTC extracts, cannot say that there is a prima facie case, and further, before the Appellate Court, they have produced a document to show that the revenue entries in favor of the plaintiff, which were done in the year 2025, are stayed by the Appellate Authority. In those circumstances, in the considered opinion of the Court, the trial Court and the Appellate Court have failed to consider the case on the merits of the matter. Hence, this Court deems it appropriate to set aside the order passed in IA.No.1 in O.S.No.289/2026 dated



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02.07.2026, which is affirmed by the Appellate Court by order dated 01.08.2026 in MA.No.106/2026, and to remand the matter for fresh consideration.

7. Accordingly, this Court is passing the following:

ORDER

- i. Orders passed on I.A.No.1 in O.S.No.289/2026 dated 02.07.2026 by the Civil Judge and JMFC, Krishnarajapura, Bengaluru Rural District which is confirmed by the Appellate Court by order dated 01.08.2026 in M.A.No.106/2026 by the 1st Additional Senior Civil Judge, Bengaluru Rural District is **set aside** and the matter is **remanded back** for fresh consideration to the Trial Court.
- ii. The trial Court shall consider the I.A.No.1 within a period of 15 days from **22.08.2026**.
- iii. Neither party shall change the nature of the property and shall maintain the status quo till the application is decided.
- iv. Accordingly, the writ petition is **Allowed**.



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v. Pending I.A.s in the petition shall stand closed.

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

TS
List No.: 1 Sl No.: 31