



CNR: KAHC010549002025

NC: 2026:KHC:43978
WP No. 25394 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 25394 OF 2025 (GM-CPC)

BETWEEN:

SMT. J AMBUJAMMA
AGED ABOUT 78 YEARS,
D/O LATE ANANTHA PADMANABHA,
RESIDING AT NO.562,
ANANTHA PADMANABHA NILAYA,
BUDDHA MARGA,
SIDDARTHA NAGARA,
MYSURU-11.

REPRESENTED BY ITS GPA HOLDER
SRI. JANAPALLI A SATISHCHANDRA
S/O ALAVACHAR ANANTHAPADMANABHAIAH
AGED ABOUT 64 YEARS,
R/AT 562, ANANTHAPADMANABHA NILAYA
BUDDHAMARGA, SIDDARTHANAGAR,
MYSURU - 570 011.

...PETITIONER

(BY SRI. GAGAN RAJ.,ADVOCATE)

AND:

SRI VISHAL JAIN,
AGED ABOUT 49 YEARS,
S/O LATE KANMAL JAIN,
RESIDING AT NO.575,
9TH CROSS, BUDDHA MARGA,

Digitally
signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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SIDDARTHA NAGARA,
MYSURU-11.

...RESPONDENT

(BY SRI. K SHRIHARI.,ADVOCATE FOR C/R)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 21.04.2025 PASSED BY THE HONBLE II ADDITIONAL SENIOR CIVIL JUDGE AND CJM AT MYSURU IN MISCELLANEOUS APPEAL NO. 10/2024, VIDE ANNEXURE-B4, AND CONFIRM THE ORDER DATED 31.01.2024 PASSED BY THE HONBLE X ADDITIONAL CIVIL JUDGE AND JMFC AT MYSURU IN O.S NO. 9/24 ON IA NO. 1, VIDE ANNEX-A7 GRANTING TEMPORARY INJUNCTION IN FAVOUR OF THE PETITIONER/PLAINTIFF.

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 21.04.2025 passed in M.A.No.10/2024 by the II Additional Senior Civil Judge and CJM at Mysuru, the petitioner/plaintiff is before this Court.

2. The petitioner herein who is the plaintiff filed O.S.No.9/2024 seeking permanent as well as mandatory injunction. It is the case of the plaintiff that the defendant has failed to maintain the set-back and made the construction. The trial Court has granted temporary injunction and the Appellate



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Court has set aside the same by allowing the appeal filed by the defendant.

3. While allowing the appeal, the Appellate Court had observed that according to the plaintiff, the defendant has left the set-back towards the northern side of the Schedule 'B' property. Looking at the photographs, the Court has come to the conclusion that the set-backs are maintained. The plaintiff has constructed a garage on the southern side of the Schedule 'A' property without leaving any set-back. This inturn goes to show that the plaintiff herself has violated the zonal regulations and bye-laws of the Corporation. The Appellate Court had observed that the plaintiff has no legal or moral right to challenge the construction undertaken by the defendants in his property. Injunction is an equitable relief. "He who seeks equity must do equity". It is observed that the dispute with regard to the violation of zonal regulations and bye-laws of the Corporation, for which, the more efficacious remedy is under the Karnataka Municipal Corporations Act. The Appellate Court came to the conclusion that the plaintiff has not made out a prima facie case or balance of convenience in her favour and



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there is no question of irreparable injury and allowed the appeal filed by the defendant. Aggrieved thereby, the petitioner/plaintiff is before this Court.

4. Learned counsel appearing for the petitioner/plaintiff submits that the Appellate Court failed to consider the photographs and the sanction plan, which clearly shows that there is violation of the zonal regulations. The Appellate Court did not appreciate these aspects. It is submitted that the Appellate Court gave findings that are contrary to the material on record.

5. Learned counsel appearing for the respondent/defendant submits that the Appellate Court has rightly considered the matter and passed the order, and no interference is called for.

6. Having heard the learned counsel on either side, perused the entire material on record. The petitioner has filed the suit for permanent and mandatory injunctions restraining the defendant from making any construction. Admittedly, the construction is complete, and at this stage, there is no question



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of granting an interim injunction. Ultimately, it has to be decided after a full-fledged trial. In that view of the matter, this Court finds no reason to interfere with the order passed by the Appellate Court. Hence, this Court is passing the following order:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 64