



CNR: KAHC010549642025

NC: 2026:KHC:36276
WP No. 25348 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 25348 OF 2025 (GM-CPC)

BETWEEN:

1. SMT. PREMAKUMARI
W/O R. JAMBULINGAM
AGED ABOUT 61 YEARS.

2. N.J. ESHWAR
S/O R. JAMBULINGAM
AGED ABOUT 41 YEARS

3. RAJU N.J.
S/O R. JAMBULINGAM
AGED ABOUT 38 YEARS.

4. SMT. DHANALAKSHMI
W/O VENKATESH V.
D/O R. JAMBULINGAM
AGED ABOUT 39 YEARS

PETITIONERS NO.1-4 ARE
R/O NAGANADODDI VILLAGE
NILAVAGILU POST, KOPPAHOBLI,
MADDUR TALUK - 571 428.

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SMT. ARCHANA MURTHY., ADVOCATE)

AND:

MAHABOOB KHAN
S/O LATE RASHEED KHAN
AGED ABOUT 71 YEARS
R/AT NO.458, 3RD CROSS



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WILSON GARDEN
BENGALURU – 27.

...RESPONDENT

(BY SRI PRADEEP NAIK K., ADVOCATE FOR
SRI HEMACHANDRA R. RAJ, ADVOCATE FOR
C/R CP NO.17844/25)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI BY SETTING ASIDE THE ORDER OF THE IV ADDITION DISTRICT AND SESSIONS JUDGE, MANDYA DATED 31/7/2025 IN MISC. APPEAL NO.17/2019 VIDE ANNEXURE-R AND CONSEQUENTLY CONFIRM THE ORDER PASSED BY THE SENIOR CIVIL JUDGE MADDUR DATED 7/3/2019 ON I.A NO. VII IN O.S.NO.16/2013 (ANNEXURE-G).

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 31.07.2025 passed in M.A.No.17/2019 by the IV Additional District and Sessions Judge, Mandya, whereby the Appellate Court had set aside the order dated 07.03.2019 passed in I.A.No.VII in O.S.No.16/2013 by the Senior Civil Judge Court, Maddur, the petitioners/plaintiffs are before this Court.

2. The petitioners filed O.S.No.16/2013 for declaration and injunction. The suit was filed in the year 2013. In that suit,



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the plaintiffs had filed I.A.No.I seeking an order of temporary injunction against the defendant, and the defendant had filed I.A.No.VII seeking an ad-interim order of temporary injunction restraining the plaintiffs from interfering with the peaceful possession and enjoyment of the property. Both the applications were dismissed by the trial Court. Against that, the defendant had filed M.A.No.17/2019.

3. The Appellate Court allowed M.A.No.17/2019. While allowing the defendant's appeal, the Appellate Court observed that the defendant admits that a registered Sale Deed was executed in the year 2008. The said Sale Deed contains a recital regarding the sale consideration as well as the delivery of possession to the defendant. The Appellate Court further observed that, since the plaintiffs themselves rely on the Sale Deed, the plaintiffs' case that they are in possession of the property cannot be decided by the Court at this stage. Based on the *prima facie* material, the Appellate Court concluded that the defendant is in possession of the property and granted an injunction restraining the plaintiffs from interfering with the



defendant's peaceful possession and enjoyment of the property.

4. Learned counsel appearing for the petitioners/ plaintiffs submits that, before the Appellate Court, they filed an application under Order 41 Rule 27 read with 151 of CPC and placed before the Court, the permission granted by the local authority for construction, as well as the electricity bill, to show that they are in possession of the property. Learned counsel submits that the plaintiffs are in possession of the property and that possession was never delivered to the defendant. It is submitted that, even today, they are in possession of the property. If any order is passed by this Court, they would be dispossessed from the property. It is further submitted that, with regard to the sale consideration and other matters, they have taken a specific plea that the post-dated cheque given by the defendant was dishonoured and that they have received only Rs.25,000/-. All these aspects were not considered by the trial Court as well as the Appellate Court, and the Appellate Court has granted injunction in favour of the defendant.



5. It is submitted that if the Appellate Court had considered the evidence placed by the plaintiffs under Order 41 Rule 27 of the CPC, all these facts would have come to the notice of the Court, and the Appellate Court ought to have granted the injunction as pleaded by the plaintiffs. It is submitted that the order passed by the Appellate Court has to be set aside. It is submitted that earlier, when the respondent filed an application seeking police protection, and that was granted, the petitioners came before the Court, and this Court gave them liberty to go before the appellate authority, and the appellate authority set aside the order. It is submitted that this also supports the case of the plaintiffs. They have also produced a complaint given against the defendant, and the same was not considered.

6. Learned counsel appearing for the respondent/defendant submits that the registered Sale Deed is of the year 2008 and that it clearly shows that possession was delivered, and ever since, the defendant has been in possession of the property. The revenue records are mutated in the name of the defendant, and the property is an agricultural land. A document



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of building permission of the year 2025 is produced. When the RTC extracts and revenue records are in the name of the defendant, there is no question of granting any building permission in favour of a person who is not the owner of the property. All these aspects were rightly considered by the Appellate Court, and the Appellate Court has granted injunction. It is submitted that, with regard to the dishonour of the cheques, a complaint has been filed under the Negotiable Instruments Act, and the same is pending adjudication before the competent Court. In the light of the said complaint filed by the petitioners, they cannot simultaneously pursue a civil suit. It is submitted that there are no grounds to interfere with the order passed by the Appellate Court.

7. Having heard the learned counsels on either side, perused the entire material on record. The undisputed facts in this case are that a Sale Deed was executed and registered in the year 2008. As per the recitals of the said Sale Deed, the consideration was paid by way of cash and possession was delivered. According to the plaintiffs, possession was not delivered, the amount was not paid, and the defendant



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executed an agreement and issued a post-dated cheque. When the suit was filed in the year 2013, the I.A. was filed in the year 2017. At the interlocutory stage, the Court cannot conduct a mini trial. As far as the material placed before the Court is concerned, the admitted document is the registered Sale Deed, which speaks of delivery of possession, and the revenue records, right from 2008 till now, stand in the name of the defendant. The Appellate Court looked at the *prima facie* case and the material on record and rightly granted the injunction. It is the contention of the plaintiffs that in the year 2025, permission was granted to the plaintiffs to construct the house, and there are also receipts which show the name of the plaintiff. Admittedly, the property sold is an agricultural land. The RTC extracts and the Sale Deed are in favour of the defendant. In that case, how the permission was granted to the plaintiffs to construct the house has to be gone into by the Court during the course of the trial. At this juncture, the material available on record is enough to decide an application seeking an injunction, and the defendant has rightly proved the *prima facie* case, balance of convenience, and irreparable loss,



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and the Court has rightly granted the injunction in favour of the defendant. In that view of the matter, this Court does not find any reason to interfere. 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.: 33