



CNR: KAHC010650232026

NC: 2026:KHC:52310
MFA No. 6797 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 6797 OF 2026 (CPC)

BETWEEN:

M/S. B.P. METAL PACKS PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956,
(CIN - U27209KA1993PTC015074),
HAVING ITS REGISTERED OFFICE AT NO. 36,
KUNIGAL INDUSTRIAL AREA, KUNIGAL,
TUMKUR DISTRICT - 572 130,

AND HAVING ITS FACTORY AND PLACE OF BUSINESS
AT NO. 39/4, 12TH K.M.,
KANAKAPURA MAIN ROAD,
DODDAKALLASANDRA,
BENGALURU - 560 062.

REPRESENTED BY ITS AUTHORISED
REPRESENTATIVE SRI NANJEGOWDA T.H.,
AGED ABOUT 59 YEARS.

...APPELLANT

(BY SRI. DHYAN CHINNAPPA, SENIOR COUNSEL FOR
SRI. ANGAD KAMATH, ADVOCATE)

AND:

1. M/S. METAL CLOSURES PRIVATE LIMITED
(IN LIQUIDATION),
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956,

Digitally
signed by
VINUTHA M
Location:
HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:52310
MFA No. 6797 of 2026

CNR: KAHC010650232026

HAVING ITS REGISTERED OFFICE AT NO. 39/4B,
12TH K.M. KANAKAPURA ROAD,
BENGALURU - 560 006
REPRESENTED BY ITS LIQUIDATOR,
MS. RAMANATHAN BHUVANESHWARI.

2. MS. RAMANATHAN BHUVANESHWARI,
LIQUIDATOR OF M/S. METAL CLOSURES PRIVATE
LIMITED,
(IBBI REGN. NO. IBBI/IPA-002/IP-N00306/2017-
18/10864),
RESIDING AT C-006, PIONEER PARADISE,
24TH MAIN, 7TH PHASE, J.P. NAGAR,
BENGALURU - 560 078.

...RESPONDENTS

(BY SRI. DHANANJAY JOSHI, SENIOR COUNSEL FOR
SRI. SRINANDAN K., ADVOCATE FOR C/R1 AND C/R2)

THIS MFA IS FILED U/o 43 RULE 1(r) OF CPC AGAINST
THE ORDER DT.07.092026 PASSED ON IA.NO. 1 AND III
OS.NO. 4347/2026 ON THE FILE OF THE XXX ADDITIONAL
CITY CIVIL AND SESSIONS JUDGE, BENGALURU CCH-31,
DISMISSING THE IA.NO.I FILED U/O 39 RULE 1 AND 2 R/W
SEC. 151 OF CPC AND ALLOWING THE IA.III FILED U/O 39
RULE 4 OF CPC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR



CNR: KAHC010650232026

NC: 2026:KHC:52310
MFA No. 6797 of 2026

ORAL JUDGMENT

This appeal is preferred by the appellant, who is the plaintiff in O.S.No.4347/2026 aggrieved by the orders passed by the learned XXX Additional City Civil and Sessions Judge, Bengaluru, dated 07.09.2026 on IA.No.1 and IA.No.3.

2. Parties to the proceedings shall be referred to as plaintiff and the defendants for the sake of brevity.

3. Plaintiff filed a suit against the defendants for the relief of permanent injunction seeking the following reliefs:

"a. Pass a decree of permanent injunction restraining the Defendants, their agents, servants, representatives, security personnel, nominees, assignees or any person claiming through or under them from forcibly dispossessing the Plaintiff from the Schedule Property, interfering with the Plaintiff's peaceful occupation, use and enjoyment thereof, or obstructing the Plaintiff's industrial and manufacturing operations, except but following due process of law.



CNR: KAHC010650232026

NC: 2026:KHC:52310
MFA No. 6797 of 2026

*b. Grant such other relief or reliefs
as this Hon'ble Court deems fit in the
facts and circumstances of the case, in
the interest of justice and equity."*

4. Along with the suit, the plaintiff filed an application- IA.No.1 under Order 39 Rule 1 and 2 read with Section 151 of CPC for a direction to the defendants from interfering with the plaintiff's peaceful occupation, use and enjoyment of the entire suit schedule property till disposal of the suit. This application, at the instance of the plaintiff, was considered, and an ad-interim ex-parte order was granted prior to issuance of notice to the defendants.

5. Upon defendants appearing before the Court, filed statement of objections and an application under Order 39 Rule 4 under Section 151 of CPC in IA No.3. Both the applications were heard in detail and the IA No.1 filed under Order XXXIX Rule 1 and 2 read with Section 151 of CPC came to be dismissed. IA No.3, filed under Order 39 Rule 4 filed by the defendants, came to be allowed,



CNR: KAHC010650232026

whereby the ad-interim order of temporary injunction came to be vacated. It is this order that is challenged by the appellant/plaintiff in this appeal.

6. It is the vehement contention of learned senior counsel Sri.Dhyan Chinnappa appearing on behalf of the appellant/plaintiff that the impugned order passed by the learned trial judge is illegal, perverse, arbitrary and the same is liable to be set aside. It is also vehemently contended by learned senior counsel for the appellant/plaintiff that when the plaintiff is the lessee under the defendant No.1 and the title of the defendants, the validity and substance of any instrument under which the plaintiff came into possession are not in dispute, and they are all admitted. It is further contended by learned senior counsel that the trial Court has committed an error in coming to the conclusion that the lease deed that was executed by the defendant No.1 in favour of the plaintiff is without any authority of law, and therefore, there is no



CNR: KAHC010650232026

validity of the lease deed executed by the defendant No.1 in favour of the plaintiff.

7. Learned counsel for the appellant/plaintiff further contends that the fact that the lease has been executed by virtue of a registered document is not in dispute and the fact that the plaintiff is in possession is also not in dispute for the reason that the defendants are now making an attempt to inspect the property through the process of NCLT by virtue of an order passed by the NCLT. Therefore, there is no doubt that the plaintiff cannot have any grievance on the order passed by the NCLT with regard to inspection in the presence of the plaintiff. But, however, defendants cannot dispossess the plaintiff without adverting to due process of law. Hence, he has filed suit against the defendants for bare injunction and to not dispossess him without following the due process of law.



CNR: KAHC010650232026

8. Several contentions are raised by the learned senior counsel for the appellant/plaintiff, which this Court may not be inclined to delve into for the reason that the short point for consideration in this matter is whether the trial Court is justified in passing such an order and what is the remedy available to the appellant/plaintiff?

9. Per contra, learned senior counsel Sri.Dhananjay Joshi, on behalf of learned counsel Sri.Srinandan.K, for the caveator/respondent Nos.1 and 2, vehemently contends that there is no illegality or perversity in the impugned order passed by the learned trial judge. He contends that the IBC proceedings have already been initiated and a liquidator has been appointed who shall now deal with the property, including conducting spot inspection and for auctioning the property by securing the highest bidder. It is also contended by the learned senior counsel that an application was made before the company law tribunal whereby, the company law



CNR: KAHC010650232026

NC: 2026:KHC:52310
MFA No. 6797 of 2026

committee has passed an order in LA (IBC) No.874/2026
which reads as under:

*ii. Taking in account the entire document of the case, the * order becomes * to allow prospective bidders to have a wholesome look at the assets which they are proposing to bid for and thereby generate their best value. The Respondents No.1 to 11, employees, agents, representative, security personnel, etc., therefore are restrained from interfering, obstructing or preventing the applicant, her authorised representatives and prospective bidders from entering into and inspecting the scheduled properties and other assets forming part of auction, on the dates and times notified by the applicant.*

iii. In the event of any obstruction being created in the operation of this order, the Respondent No.12/the SHO is directed to prove necessary assistance including by arranging female police, for removing the obstruction and ensuring smooth implementation to this order

This order is not disputed by the learned senior counsel appearing for the appellant/plaintiff.

10. It is also vehemently contended by the learned senior counsel for the respondents pursuant to an application filed for inspection for permitting the bidders to have a look at the property to make their best value, an



CNR: KAHC010650232026

application is already filed by the respondents to seek eviction of the appellant/plaintiff from the suit schedule property, which is pending adjudication before the NCLT. Therefore, he contends that any remedy or any grievance of the plaintiff with regard to the illegal dispossession of the plaintiff on the suit schedule property could be very well addressed in the said application which is already moved by the respondents. Even if it is not moved, the appellant/plaintiff who is already a party contesting the matter before the NCLT would be at liberty to make an application therein with regard to the relief that is sought in the suit proceedings or for the matter in this impugned order.

11. Having heard learned counsel for the appellant/plaintiff and learned counsel for the respondents, the point that arises for this Court for consideration is:



CNR: KAHC010650232026

NC: 2026:KHC:52310
MFA No. 6797 of 2026

*"Whether the impugned order passed
by the learned trial judge calls for interference,
if so, what order?"*

12. Having adverted to the facts of the case herein above, it is not in dispute that the IBC proceedings are initiated and the fact that the liquidator has taken over the company by virtue of the IBC proceedings and the appellant/plaintiff is a lessee on the suit schedule property who is presently in possession of the suit schedule property. The appellant and respondents are parties in the IBC proceedings before the NCLT, and the applications are being contested therein.

13. Under the circumstances, it would be appropriate for the appellant/plaintiff to approach the NCLT Court to make any application, expressing his apprehension with regard to illegal forcible dispossession from the suit schedule property, and if any such application is made, the NCLT shall consider the application and pass suitable orders upon giving a fair



CNR: KAHC010650232026

hearing to both the parties. In view of the discussions made herein above, I do not find any good ground or cogent reason to interfere with the order, as no material is placed to show before this Court that there is any attempt made by the respondents to take any forcible possession from the appellant/plaintiff. Accordingly, I pass the following order.

ORDER

- 1) The appeal is ***dismissed.***
- 2) Liberty is reserved to the appellant/plaintiff to make necessary applications before the NCLT Court on any apprehension or forcible dispossession from the suit schedule property. If any such application is made, such application shall be considered or the same shall be considered if any pending application is already made by the respondents with



CNR: KAHC010650232026

NC: 2026:KHC:52310
MFA No. 6797 of 2026

regard to the grievance of the
appellant/plaintiff.

3) It is made clear that this Court has not
expressed any opinion on the merits of the
matter.

4) Ordered accordingly.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 13