



CNR: KAHC010666872026

NC: 2026:KHC:54791
CRP No. 854 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 854 OF 2026 (IO)

BETWEEN:

1. SMT. JALAJAKSHI
W/O. LATE B. K. GANGADHARA
AGED MAJOR
2. MALATHI
D/O. LATE B. K. GANGADHARA,
AGED MAJOR
3. SRI. JAGATHPAL,
S/O. LATE B. K. GANGADHARA
AGED MAJOR
4. KAMINI,
D/O. LATE B. K. GANGADHARA,
AGED MAJOR
5. PRABHAVATHI,
D/O. LATE B. K. GANGADHARA
AGED MAJOR
6. SRI. B. K. KISHORE,
S/O. LATE B. K. GANGADHARA
AGED MAJOR
7. PRIYADARSHINI,
D/O. LATE B. K. GANGADHARA,
AGED MAJOR,

ALL ARE R/AT. BANGERA COMPOUND,
BOLOOR VILLAGE, ASHOKNAGAR,

Digitally
signed by
SUVARNA T
Locat
HIGH COURT
OF
KARNATAKA



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KODICAL,
MANGALURU

...PETITIONERS

(BY SRI. ANANDARAMA K., ADVOCATE)

AND:

1. SRI. Y.N.RAMACHANDRA RAO
S/O. P. NARAYANA RAO,
AGED 60 YEARS,
BANGARU RESIDENCY,
PRASANNA GANAPATY OPPOSITE TEMPLE,
HUDCO COLONY, MANIPAL,
UDUPI -576 104
2. SMT. JALAJAKSHI,
W/O. LATE B. K. RAMANATH,
AGED ABOUT 68 YEARS,
R/AT. DOOR NO.3-49/3,
SHIVAKRIPA HOUSE,
GANDHI NAGAR, KAVOOR,
MANGALURU-575 015
3. SMT. THEJAKSHI,
W/O. MANOHAR,
D/O. LATE B. K. RAMANATH,
AGED ABOUT 43 YEARS,
R/AT. DOOR NO.3-49/3,
SHIVAKRIPA HOUSE,
GANDHI NAGAR, KAVOOR,
MANGALURU-575 015
4. MR. NAVEEN KUMAR,
S/O LAWTE PADMANABHA B.K.,
AGED MAJOR
5. MR. PRAVEEN KUMAR,
S/O LATE PADMANABHA B.K.,
AGED MAJOR



CNR: KAHC010666872026

NC: 2026:KHC:54791
CRP No. 854 of 2026

BOTH ARE R/AT. 1-14/1,
GUTHIGE HOUSE,
KOTTARA CHOWKI,
MANGALURU-575 006

6. SRI. NAGESH,
S/O. LATE B. K. GANGADHARA,
AGED MAJOR,
R/AT. BANGERA COMPOUND,
BOLOOR VILLAGE, ASHOKNAGAR,
KODICAL,
MANGALURU-575 006

...RESPONDENTS

(BY SRI.M.SUDHAKAR PAI, ADVOCATE FOR C/R1
NOTICE TO R2 TO R6 ARE DISPENSED WITH V/O/D:
29/09/2026)

THIS CRP FILED U/S. 115 OF CPC PRAYING TO SET
ASIDE THE ORDER DATED 10.09.2026, PASSED ON IA NO.
XXVII IN OS NO. 936/2018 ON THE FILE OF THE PRL. CIVIL
JUDGE MANGALURU D.K., DISMISSING THE IA NO. XXVII
FILED U/O VII RULE 11(a) AND(d) OF CPC FOR REJECTION OF
PLAINT.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



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CRP No. 854 of 2026

ORAL ORDER

Aggrieved by the order dated 10.09.2026 passed in I.A.No.XXVII in O.S.No.936/2018 by the Principal Civil Judge at Mangaluru, Dakshina Kannada, the petitioners/defendant Nos.3, 5 to 10 are before this Court.

2. The respondent No.1 herein, who is the plaintiff had filed O.S.No.936/2018 seeking a declaration that the compromise decree dated 31.10.2008, passed in RA.No.187/2004, RA.No.193/2004, and RA.No.314/2004, arising out of the judgment and decree passed in O.S.No.1562/1990 on the file of the 3rd Additional Munsiff of Mangaluru, by the Permanent Lok Adalath, D.K., Mangaluru, is null and void and cannot affect the plaintiff's right, title, and interest in the plaint 'A' schedule property. The plaintiff also sought for a permanent prohibitory injunction restraining the defendants or anyone claiming through them from transferring the 'A' schedule property by way of sale, mortgage, lease, or any other manner to anyone.

3. In the suit, defendants Nos. 3, 5 to 10 filed an application under Order VII Rule 11(a) and (d) of the CPC



CNR: KAHC010666872026

seeking rejection of the plaint. The application states that the suit is not maintainable in view of Order XXIII Rule 3A of the CPC. The plaintiff filed objection stating that this is an award passed by the Lok Adalath. Hence, the suit is maintainable. The trial Court, by the impugned order, dismissed I.A.No.XXVII filed under Order VII Rule 11 of the CPC.

4. While dismissing the application, the trial Court observed that Order XXIII Rule 3A of the CPC expressly bars the institution of a fresh suit in which a compromise decree has been passed. The trial Court had relied on the judgment of the High Court of Hyderabad in the case of **Kothakapu Muthyam Reddy and others Vs. Bhargavi Constructions Rep. by its Managing Partner Sri.V.Ramachandra Rao and others**¹ and another judgment of the Karnataka High Court in the case of **Sri. N.Umesha Vs. Smt. Bhagyamma @ Bhagamma and others**². It is observed that the specific contention of the counsel for these defendants, that any decisions of the High Courts contrary to the judgment of the Supreme Court are *per incuriam*. But these defendants have not relied on the

¹ 2012 SCC OnLine Hyderabad 217

² RSA.No.9/2018 (PAR) dated 14.06.2024



CNR: KAHC010666872026

**NC: 2026:KHC:54791
CRP No. 854 of 2026**

judgment of the Hon'ble Supreme Court in this regard. Therefore, it is open to the defendants to work out their grievance in the manner known to law.

5. It is further observed that the plaintiff has sought two reliefs of declaration and permanent injunction, against the defendants. The plaintiff sought to restrain the defendants, or anyone claiming through them, from transferring the 'A' schedule property by way of sale, mortgage, lease, or any other manner to anyone. The contention of the plaintiffs that when the plaintiff's son visited the 'A' schedule property, he found some strangers inspecting it. On enquiry, it was discovered that they were real estate agents who had come there at the behest of the defendants to enable the defendants to sell the 'A' schedule property to third parties. Therefore, to restrain the defendants, the plaintiff has also filed this suit. It is a well-established principle that rejecting the plaint in part is contrary to the law. An application filed under Order VII Rule 11 of the CPC cannot be rejected in part. Accordingly, the trial Court dismissed the application. Aggrieved thereby, the petitioners are before this Court.



CNR: KAHC010666872026

NC: 2026:KHC:54791
CRP No. 854 of 2026

6. Learned counsel appearing for the petitioners/defendant Nos.3, 5 to 10 submits that the suit itself is not maintainable. As the plaintiff is questioning the award passed by the Lok Adalat, and in the light of settled law, the only remedy available to the party is to file a writ petition. He relied on the judgment of the Apex Court in the case of ***Dilip Mehta Vs. Rakesh Gupta and Others***³, on paragraph Nos.10 and 13 which reads as follows:

"10. The principle that emerges is that the statutory finality attached to a Lok Adalat award leaves no room for an appellate or plenary civil remedy against the award treated as a decree. The award may be executed as a decree, but its validity cannot be reopened through an ordinary civil suit or by treating some other civil proceeding as a vehicle for setting it aside. The only recognised avenue of challenge is the constitutional jurisdiction of the High Court, which is supervisory and exceptional in nature.

13. The reliance placed by the High Court on Section 22E(4) of the LSA Act is also misplaced. The stipulation that an award "shall not be called in question in any original suit, application or execution proceeding" is a prohibitory clause which reinforces the bar against collateral civil challenges to a Lok Adalat award. It does not create a separate class of civil remedies in favour of persons who were not parties before the Lok Adalat, nor does it enlarge the jurisdiction of the Executing Court to set aside or invalidate such an award at the instance of a third party. The statutory structure is the same whether the aggrieved person is a party to the award or is a third party who claims to be affected by it. In either case, if the validity of the award is to be examined at

³ 2025 SCC OnLine SC 2737



CNR: KAHC010666872026

NC: 2026:KHC:54791
CRP No. 854 of 2026

all, it is to be tested in writ proceedings before the High Court and not by expanding the scope of execution or by encouraging independent civil suits."

7. Relying on the above judgment, it is submitted that the suit is not maintainable. Secondly, the Court's observation that there are two reliefs, one that the compromise decree is not binding and the other seeking injunction, even if one relief has to be rejected, amounts to partial rejection of the plaint. It is submitted that that observation of the Court cannot be sustained. It is submitted that unless and until the primary relief is granted, he is not entitled to the second relief. In this regard, he relied on the judgment of the Apex Court in the case of ***Padhiyar Prahladji Chenaji (Deceased) Through LRs Vs. Maniben Jagmalbhai (Deceased) Through LRs and Others⁴***, on paragraph Nos.24 and 25 which reads thus:

"24. From the impugned judgment and order passed by the High Court, it appears that the High Court has not properly appreciated the distinction between a substantive relief and a consequential relief. The High Court has observed that in the instant case the relief of permanent injunction can be said to be a substantive relief, which is clearly an erroneous view. It is to be noted that the main reliefs sought by the plaintiff in the suit were cancellation of the sale deed and declaration and the prayer of permanent injunction restraining defendant No.1 from disturbing

⁴ (2022) 12 SCC 128



CNR: KAHC010666872026

her possession can be said to be a consequential relief. Therefore, the title to the property was the basis of the relief of possession. If that be so, in the present case, the relief for permanent injunction can be said to be a consequential relief and not a substantive relief as observed and held by the High Court. Therefore, once the plaintiff has failed to get any substantive relief of cancellation of the sale deed and failed to get any declaratory relief, and as observed hereinabove, relief of injunction can be said to be a consequential relief. Therefore, the prayer for permanent injunction must fail. In the instant case as the plaintiff cannot be said to be in lawful possession of the suit land, i.e., the possession of the plaintiff is "not legal or authorised by the law", the plaintiff shall not be entitled to any permanent injunction.

25. An injunction is a consequential relief and in a suit for declaration with a consequential relief of injunction, it is not a suit for declaration simpliciter, it is a suit for declaration with a further relief. Whether the further relief claimed has, in a particular case as consequential upon a declaration is adequate must always depend upon the facts and circumstances of each case. Where once a suit is held not maintainable, no relief of injunction can be granted. Injunction may be granted even against the true owner of the property, only when the person seeking the relief is in lawful possession and enjoyment of the property and also legally entitled to be in possession, not to disposes him, except in due process of law."

8. Relying on the above judgment, it is submitted that the said observation of the Court that it amounts to partial rejection is incorrect, and the impugned order needs to be set aside.

9. Learned counsel appearing for respondent No.1/ plaintiff submits that the contention that the suit is not



CNR: KAHC010666872026

maintainable against an award passed by the Lok Adalat was not raised in the I.A. filed seeking rejection of the plaint. Further, it is submitted that the trial court has rightly observed that if the first prayer is rejected, it amounts to partial rejection, which is not permissible. It is also submitted that the Court has rightly relied on the judgment in case of **Kothakapu Muthyam Reddy** referred supra and rightly held that a person who is not a party to the award can maintain an independent suit. Learned counsel has also relied on an order passed by this Court in the case of **Allappa Halappa Ganeshwadi Vs. Virupaxayya Danayya Mathad and Others⁵** and submits that this Court had considered the judgment of the Apex Court in the case of **Triloki Nath Singh Vs. Anirudh Singh (DEAD) thr. LRS and Ors⁶**. It is submitted that the impugned order is a well-considered order and this petition has to be dismissed.

10. Having heard the learned counsel on either side, perused the material on record. From the facts and submissions, it is an undisputed fact that the suit is filed to challenge the award passed by the Lok Adalat. The plaintiff

⁵ WP.No.100982/2026 dated 11.02.2026

⁶ (2020) 6 SCC 629



seeks relief, stating that the said award passed by the Lok Adalat is not binding on him and that, in the guise of the said award, there shall be an injunction restraining the defendants from transferring the property. The trial Court discussed the scope of Order XXIII Rule 3A of the CPC and the contention that, against an award passed by the Lok Adalat, the suit is not maintainable. However, the trial Court relied on the judgment of the High Court of Hyderabad. The learned counsel for the petitioner has placed the judgment of the Apex Court, where the very same judgment of the High Court of Hyderabad was carried to the Supreme Court i.e., ***Bhargavi Constructions and Another Vs. Kothakapu Muthyam Reddy and Others***⁷, the Apex Court had reversed the said judgment.

11. He also relied on the latest judgment of the Apex Court in case of ***Dilip Mehta*** referred supra. This makes it very clear that, whether he is a party or not, when he alleges fraud in obtaining the award, he can only question it by filing a writ petition. The civil remedies are not available to him. It is the contention of the learned counsel for the defendant that this

⁷ (2018) 13 SCC 480



CNR: KAHC010666872026

NC: 2026:KHC:54791
CRP No. 854 of 2026

contention was not raised in the application filed under Order VII Rule 11 of the CPC. If the Court wants to consider the same, the matter can be remanded to the trial Court. This Court is not able to appreciate the said submission for the reason that remanding the matter on that ground is just a formality. When the judgment of the Apex Court is very clear, even if it is sent back to the trial Court, the trial Court cannot pass an order which is contrary to the judgment of the Apex Court in ***Dilip Mehta's*** case referred supra. Hence, in the considered opinion of this Court, there is no purpose in remanding the matter to the trial Court, as it is a pure question of law.

12. Then, coming to the second submission that it amounts to the partial rejection of the plaint, this Court is not able to appreciate that submission that the injunction is an independent relief and it stands altogether on a different footing. The plaintiff is not entitled for the second prayer unless and until the Court decides the rights of the plaintiff as far as the first prayer is concerned. In those circumstances, the prayer for injunction is a consequential prayer. In those



CNR: KAHC010666872026

NC: 2026:KHC:54791
CRP No. 854 of 2026

circumstances, as it is not an independent prayer, it does not amount to partial rejection of the plaint. In the light of the above discussion, as the suit is not maintainable before the Civil Court, the plaint has to be rejected. Hence, this Court is passing the following order:

ORDER

- i. The order dated 10.09.2026 passed in I.A.No.XXVII in O.S.No.936/2018 by the Principal Civil Judge at Mangaluru, Dakshina Kannada, is **set aside**.
- ii. Consequently, I.A.No.XXVII is **allowed** and the plaint is **rejected**.
- iii. Accordingly, the Civil Revision Petition is **allowed**.
- iv. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 17