HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

MISCELLANEOUS FIRST APPEAL NO.2201 OF 2026 (CPC)

C/W

MISCELLANEOUS FIRST APPEAL NO.2167 OF 2026 (CPC)

MISCELLANEOUS FIRST APPEAL NO.2192 OF 2026 (CPC)

MISCELLANEOUS FIRST APPEAL NO.2247 OF 2026 (CPC)

IN MFA NO.2201/2026

BETWEEN:

SRI B. LAKSHMAIAH
S/O LATE BHYRAPPA,
AGED ABOUT 76 YEARS,
RESIDING AT NO.1416,
BHYRAVESHWARA NILAYA,
12TH 'B' CROSS, 6TH MAIN ROAD,
2ND STAGE, WEST OF CHORD ROAD,
MAHALAKSHMIPURA,
BENGALURU-560086.

...APPELLANT

Digitally signed by MAHALAKSHMI B M
Location: HIGH COURT OF KARNATAKA

(BY SRI SHIVAKUMAR U., ADVOCATE)

AND:

SRI N. KRISHNA MURTHY
SINCE DECEASED BY HIS LR's.

1. SMT. SUDHA. K
   D/O LATE N. KRISHNAMURTHY,
   W/O LATE VENKATESH,
   AGED ABOUT 46 YEARS,

2. SMT. SUNITHA .K
D/O LATE N. KRISHNAMURTHY,
W/O SRI B.C. SRIRAMA REDDY,
AGED ABOUT 44 YEARS,

3. SRI SURENDRA .K
S/O LATE N. KRISHNAMURTHY,
AGED ABOUT 42 YEARS,

4. SMT. SUREKA .K
D/O LATE N. KRISHNAMURTHY,
W/O SRI NAGARAJ REDDY,
AGED ABOUT 40 YEARS,

5. NALLAPPA .K,
S/O LATE N. KRISHNAMURTHY,
AGED ABOUT 38 YEARS,

RESPONDENT NOS.1 TO 5 ARE
R/AT NALLAPPA TRANSPORT,
PAPAREDDY PALYA,
NAGARABHAVI 2ND STAGE,
BENGALURU-560072.

6. SRI MUTHURAYA REDDY,
AGED ABOUT 55 YEARS,
S/O NANJAPPA,
R/AT NEAR DEEPA COMPLEX,
PAPIREDDY PALYA,
NAGARABHAVI II STAGE,
11TH BLOCK, NISARGA LAYOUT,
BENGALURU-560072.

…RESPONDENTS

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF THE CPC AGAINST THE ORDER DATED 23.02.2026, PASSED ON I.A.NO.1 IN O.S.NO.2811/2025, ON THE FILE OF THE III-ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-25), BENGALURU, REJECTING THE I.A.NO.1 FILED UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF CPC.

IN MFA NO.2167/2026

BETWEEN:

SMT. PADMA VISHWANATH
W/O LATE VISHWANATH,
AGED ABOUT 68 YEARS,
RESIDING AT NO.1301/34,
6TH CROSS, SRIRAMAPURAM,
BENGALURU-560021.

...APPELLANT

(BY SRI SHIVAKUMAR U., ADVOCATE)

AND:

1. SMT. SUDHA .K
   D/O LATE N. KRISHNAMURTHY,
   W/O LATE VENKATESH,
   AGED ABOUT 46 YEARS,

2. SMT. SUNITHA .K
   D/O LATE N. KRISHNAMURTHY,
   W/O SRI B.C. SRIRAMA REDDY,
   AGED ABOUT 44 YEARS,

3. SRI SURENDRA .K
   S/O LATE N. KRISHNAMURTHY,
   AGED ABOUT 42 YEARS,

4. SMT. SUREKA .K
   D/O LATE N. KRISHNAMURTHY,
   W/O SRI NAGARAJ REDDY,
   AGED ABOUT 40 YEARS,

5. NALLAPPA .K
   S/O LATE N. KRISHNAMURTHY,
   AGED ABOUT 38 YEARS,

   RESPONDENT NOS.1 TO 5 ARE
   R/AT NALLAPPA TRANSPORT,
   PAPAREDDY PALYA,
   NAGARABHAVI 2ND STAGE,
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AGED ABOUT 55 YEARS,
S/O NANJAPPA,
R/A NEAR DEEPA COMPLEX,
PAPIREDDY PALYA,
NAGARABHAVI II STAGE,
11TH BLOCK, NISARGA LAYOUT,
BENGALURU-560072.

...RESPONDENTS

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF THE CPC AGAINST THE ORDER DATED 23.02.2026 PASSED ON I.A.NO.1 IN O.S.NO.2812/2025 ON THE FILE OF THE III ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CCH-25, REJECTING THE I.A.NO.1 FILED UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF CPC, 1908.

IN MFA NO.2192/2026

BETWEEN:

SMT. PADMA VISHWANATH
W/O LATE VISHWANATH,
AGED ABOUT 68 YEARS,
RESIDING AT NO.1301/34,
6TH CROSS, SRIRAMAPURAM,
BENGALURU-560021.

...APPELLANT

(BY SRI SHIVAKUMAR U., ADVOCATE)

AND:

1. SMT. SUDHA .K
D/O LATE N. KRISHNAMURTHY,
W/O LATE VENKATESH,
AGED ABOUT 46 YEARS,

2. SMT. SUNITHA .K
D/O LATE N. KRISHNAMURTHY,
W/O B.C. SRIRAMA REDDY,
AGED ABOUT 44 YEARS,

3. SRI SURENDRA .K
S/O LATE N. KRISHNAMURTHY,
AGED ABOUT 42 YEARS,

4. SMT. SUREKA .K
D/O LATE N. KRISHNAMURTHY,
W/O SRI NAGARAJ REDDY,
AGED ABOUT 40 YEARS,

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S/O LATE N. KRISHNAMURTHY,
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NAGARABHAVI 2ND STAGE,
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6. SRI MUTHURAYA REDDY,
AGED ABOUT 55 YEARS,
S/O NANJAPPA,
R/AT NEAR DEEPA COMPLEX,
PAPIREDDY PALYA,
NAGARABHAVI II STAGE,
11TH BLOCK, NISARGA LAYOUT,
BENGALURU-560072.

...RESPONDENTS

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF CPC AGAINST THE ORDER DATED 23.02.2026, PASSED ON I.A.NO.2 IN O.S.NO.2812/2025, ON THE FILE OF THE III ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-25), REJECTING THE I.A.NO.2 FILED UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF CPC.

IN MFA NO.2247/2026

BETWEEN:

SRI B. LAKSHMAIAH
S/O LATE BHYRAPPA,

AGED ABOUT 76 YEARS,
RESIDING AT NO.1416,
BHYRAVESHWARA NILAYA,
12TH 'B' CROSS, 6TH MAIN ROAD,
2ND STAGE, WEST OF CHORD ROAD,
MAHALAKSHMIPURA,
BENGALURU-560086.

...APPELLANT

(BY SRI SHIVAKUMAR U., ADVOCATE)

AND:

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   S/O LATE N. KRISHNAMURTHY,
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   D/O LATE N. KRISHNAMURTHY,
   W/O SRI NAGARAJ REDDY,
   AGED ABOUT 40 YEARS,

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NAGARABHAVI II STAGE,
11TH BLOCK, NISARGA LAYOUT,
BENGALURU-560072.

...RESPONDENTS

THIS MFA FILED UNDER ORDER 43 RULE 1(r) OF THE CPC AGAINST THE ORDER DATED 23.02.2026, PASSED ON I.A.NO.2 IN O.S.NO.2811/2025, ON THE FILE OF THE III-ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-25), BENGALURU, REJECTING THE I.A.NO.2 FILED UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF CPC, 1908.

THESE APPEALS COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

These appeals arise out of two separate suits, namely OS No. 2812/2025 and OS No. 2811/2025, instituted by two different plaintiffs in respect of adjacent portions of the same larger property.

2. The appellants call in question the orders dated 23.02.2026 passed by the III Additional City Civil and Sessions Judge, Bengaluru, whereby I.A Nos. 1 and 2 filed under Order XXXIX Rule 1 and 2 CPC in both the suits have been rejected. Since the subject matter, rival claims and nature of interim relief sought are substantially similar, all the appeals are taken up together and disposed of by this common judgment.

Brief facts.

3. The plaintiff in OS No. 2812/2025 claims title over the suit schedule property under a registered sale deed dated 20.12.1993, executed by late N Krishnamurthy. It is her case that she was in continuous possession and enjoyment of the property, supported by katha and tax records. It is stated that during the first week of March 2025, defendant No.6 forcibly dispossessed the plaintiff by erecting tin sheets around the property and obstructing ingress and egress, and thereafter, attempted to alter the nature of the suit property.

4. The plaintiff, in O.S.2811/2025, claims title of another portion of the larger property under the registered sale deed derived from the same vendor and asserts possession and enjoyment. It is stated that defendant No.6, has interfered with possession.

5. In both the suits, the plaintiffs filed:

(i) I.A No. 1 to restrain defendant No. 6 from alienating or encumbering the property;

(ii) I.A No. 2 to restrain defendant No. 6 from putting up construction or altering the nature of the property.

6. The Trial Court rejected both the applications and by a common line of reasoning leading to the present filing of the appeals.

7. Learned counsel appearing for the appellants would contend that the plaintiffs are *bona fide* purchasers under the registered sale deeds and are in possession. It is submitted that, the Trial Court has misdirected itself by treating the present possession as decisive. It is

submitted that the interim relief is to preserve the subject matter, prevent alienation and prevent the change of nature of the suit schedule property. It is submitted that, even if possession is disputed, the Trial Court ought to have granted a protective relief to maintain *status quo*. The impugned orders are non-speaking and lack proper reasoning and that the refusal of injunction results in irreparable injury, creation of third party rights and multiplicity of proceedings.

8. This Court has carefully considered the submissions and perused the material on record. The point that arises for consideration is,

> *whether the impugned order passed by the Trial Court warrants interference by this Court?*

9. At the outset, it is necessary to notice the background of the dispute. The material on record, discloses that the suit schedule properties form part of a larger extent of land over which, rival claims are made by

two branches of the same family. One late N. Krishnamurthy through whom, the present plaintiffs claim title under the registered sale deeds, had earlier asserted rights over the very same property and had instituted suit in O.S. 5311/2011 seeking declaration and injunction against defendant No.6, which came to be dismissed. The legal representatives of said Krishnamurthy, arrayed as defendant Nos.1 to 5 in the present suits, have carried the matter in appeal in RFA No.615/2025, which is pending consideration before this Court.

10. The records placed on record indicates that lineage of Krishnamurthy and defendant No.6 traces their origin to a common ancestor, each branch asserting independent rights over the property. In that view, the title claimed by the present plaintiffs is purely derivative in nature, flowing from their vendor Krishnamurthy, and would necessarily abide by and be subject to the final outcome of the regular first appeal.

11. It is also not in dispute that in RFA 615/2025, the Division Bench of this Court has directed the parties to maintain *status quo* in respect of the suit schedule properties. In view of the subsisting order of *status quo* operating in respect of the larger property, the entire dispute remains *sub judice,* and the rights of the plaintiffs cannot be viewed in isolation or as independent of the outcome of the said proceedings.

12. In the above factual and legal backdrop, this Court is of the considered view that the appellants have failed to establish a *prima facie* case warranting interference with the impugned orders. The title claimed by the plaintiffs being purely derivative and presently subject matter of adjudication in RFA 615/2025, where an order of *status quo* is already in operation, any independent or parallel grant of injunction in the present proceedings, will not only be unwarranted but also lead to conflicting orders. The plaintiffs, having themselves asserted dispossession and in the absence of the material

to demonstrate subsisting possession as on the date of the applications, cannot seek to invoke jurisdiction for a grant of temporary injunction. When the very foundation of title is under serious cloud, the other ingredients of *balance of convenience* and *irreparable injury* do not tilt in favour of the plaintiffs. The Trial Court, having exercised its discretion on settled principles governing grant of injunction, does not warrant any interference. This Court, is of the considered view that the appeals are devoid of merits and are liable to be dismissed. Accordingly, the point framed for consideration is answered and this Court pass the following :

ORDER

(i) The Miscellaneous First Appeals are ***dismissed.***

(ii) The orders dated 23.02.2026 passed in OS Nos. 2812/2025 and 2811/2025 by the III Additional City Civil and Sessions Judge, Bengaluru, on I.A Nos. 1 and 2, filed under

Order XXXIX Rule 1 and 2 CPC, are hereby ***confirmed.***

(iii) It is made clear that any observations made in this order are *prima facie* in nature and shall not influence the Trial Court while adjudicating the suit on its merits.

(iv) Pending interlocutory applications, if any, stand disposed of.

Sd/-

JUSTICE K.S. HEMALEKHA

CKL
List No.: 1 Sl No.: 87