HC-KAR

NC: 2026:KHC:59695-DB
CCC No. 294 of 2022

CNR: KAHC010323872021

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 28TH DAY OF OCTOBER, 2026**

**PRESENT**

**THE HON'BLE MR. JUSTICE D K SINGH**

**AND**

**THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN**

**CIVIL CONTEMPT PETITION NO. 294 OF 2022**

**BETWEEN:**

1. SRI SURESH CHAND KHABIA
   S/O SRI K C SHANTHILAL,
   AGED ABOUT 60 YEARS
   R/AT NO 13/A,
   SHIVAJI ROAD,
   BENGALURU - 560001

...COMPLAINANT

(BY SRI. GANAPATI BHAT VAJRALLI, ADVOCATE)

**AND:**

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

1. SRI M V PRASAD BABU
   S/O LATE VENAKTASWAMY NAIDU
   AGED ABOUT 62 YEARS,
   R/AT NO 11,
   NEXT TO KRISHNA ANANTHA ASHRAMA
   UTTARAHALLI MAIN ROAD,
   SUBRAMANYA NAGARA POST,
   UTTARAHALLI,
   BENGALURU - 560061

2. SRI A V NAGARAJ NAIDU
   S/O.LATE A.VENUGOPAL NAIDU,
   AGED ABOUT 38 YEARS,
   AMBIANT GROUP DEVELOPER
   REPRESENTED BY ITS
   MANAGING DIRECTOR

NO 2061-11/1,
OPP CANARA BANK,
UTTARAHALLI, BSK 4TH STAGE,
BENGALURU - 560061

3. SRI A V NAGARJ NAIDU
S/O.LATE A.VENUGOPAL NAIDU,
AGED ABOUT 38 YEARS,
INETSOLV INFRA
REPRESENTED BY ITS
MANAGING DIRECTOR
NO 2061-11/1,
OPP CANARA BANK,
UTTARAHALLI
BSK 4TH STAGE,
BENGALURU - 560061
REP BY ITS MANAGING DIRECTOR

…ACCUSED

(BY SRI. PHANIRAJ KASHYAP, ADVOCATE FOR A2 & A3;
SRI. KARTHIK V., ADVOCATE FOR A1 (NOC NOT OBTAINED)

THIS CCC IS FILED UNDER SECTION 10, 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971 BY THE COMPLAINANT, WHEREIN HE PRAYS THAT THE HON'BLE COURT BE PLEASED TO INITIATE PROSECUTION AGAINST THE ACCUSED FOR WILLFUL DISOBEDIENCE OF THE DIRECTION AND ORDER DATED 03.06.2019 IN MFA NO.4904/2018 PASSED BY THIS HON'BLE COURT, AS PER ANNEXURE-H AND ORDER DATED 17.08.2019 IN I.A.NO.01 IN O.S. NO.3948/2018 ON THE FILE OF PENDING BEFORE THE XIV ADDITIONAL CITY CIVIL JUDGE, CCH - 28, AT BENGALURU, AS PER ANNEXURE-J AND SENTENCE HIM FOR IMPRISONMENT.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

**ORAL ORDER**

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present contempt petition has been filed alleging non compliance and wilful disobedience of the order dated 03.06.2019 passed by this Court in MFA No.4904/2018.

2. It appears that Respondent No.1/contemnor is the owner of the land bearing Sy No.11/1, situated at Uttarahalli, Uttarahalli Hobli, Bengaluru South Taluk and the complainant is the owner of the property bearing Site No.44, formed out of Sy. No.12, Re-Sy. No.12/1, situated at Uttarahalli Village, Uttarahalli Hobli, Bengaluru South Taluk, measuring 3,528 sq. ft., with dimensions of East to West (50 + 48) feet and North to South (71 + 73)/2 feet.

3. The allegation is that, during the currency of the interim order directing maintenance of *status quo*, the

respondents/contemnors have encroached upon a portion of the site of the complainant. In this regard, the complainant has filed a civil suit in O.S. No.3948/2018, which is pending before the XIV Additional City Civil Judge, Bengaluru (CCH-28).

4. The allegation that the respondents/contemnors encroached upon a portion of the complainant's site during the currency of the interim order involves a disputed question of fact, which can be adjudicated only after trial. Since the civil suit filed by the complainant is pending consideration, we do not deem it appropriate to record evidence at this stage regarding the alleged encroachment. However, it is made clear that if after conclusion of the trial, it is found that the respondents/contemnors have encroached upon any portion of the complainant's site, such encroachment shall be removed at the cost of the respondents.

5. The trial court is directed to proceed with the trial and conclude the same expeditiously, preferably within a period of four months.

6. In view of the above, the contempt petition stands **disposed of**.

**Sd/-**
**(D K SINGH)**
**JUDGE**

**Sd/-**
**(H.SHANTHI BHUSHAN)**
**JUDGE**

RKA
CT:SN
List No.: 2 Sl No.: 6