HC-KAR

NC: 2026:KHC:62581
WP No. 29508 of 2026

CNR: KAHC010640992026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 29508 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. KASTHURI. S
   W/O B.R. VIJAYAKUMAR,
   AGED ABOUT 69 YEARS,
   OCCUPATION: RTD. GOVT. SERVANT,
   RESIDING AT MARADI ANJANEYA NILAYA,
   VIGNESHWARA LAYOUT,
   CHALLAKERE ROAD,
   CHITRADURGA CITY - 577 501.

2. SMT. NETRAVATHI. B.V
   D/O B.R. VIJAYAKUMAR,
   W/O PRAVEEN KULKARNI,
   AGED ABOUT 41 YEARS,
   OCCUPATION: STAFF NURSE,
   RESIDING AT NO.1529/35,
   SARASWATHI NAGARA, 'B' BLOCK,
   1ST MAIN, 7TH CROSS,
   DAVANAGERE - 577 001.

3. PRAVEEN BABU. B.V
   S/O B.R. VIJAYAKUMAR,
   AGED ABOUT 41 YEARS,
   OCCUPATION: BUSINESS,

Digitally signed by VIJAYA P
Location: High Court of Karnataka

RESIDING AT NO.24, 3RD FLOOR,
7TH MAIN, SRINIVASANAGAR,
B.S.K 3RD STAGE,
BENGALURU - 560 050.

…PETITIONERS

(BY SRI. M.N. SATHYA, ADVOCATE)

AND:

SMT. B. V. SANDHYA
D/O B.R. VIJAYAKUMAR,
AGED ABOUT 38 YEARS,
OCCUPATION: ADVOCATE,
RESIDING AT MARADI ANJANEYA NILAYA,
VIGNESHWARA LAYOUT, CHALLAKERE ROAD,
CHITRADURGA CITY - 577 501.

…RESPONDENT

THIS WP IS FILED UNDER ATICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 01.08.2026 PASSED BY THE LEARNED 2ND ADDL. DISTRICT AND SESSIONS JUDGE, CHITRADURGA IN M.A. NO.2/2026 (ANNEXURE-A) AND THE ORDER DATED 18.12.2025 PASSED BY THE LEARNED IIND ADDL. SENIOR CIVIL JUDGE AT CHITRADURGA ON I.A. NO. 1 IN O.S. NO. 228/2025 (ANNEXURE-B) AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

This writ petition is filed impugning the orders dated 18.12.2025 passed by the Additional Senior Civil Judge and JMFC, Chitradurga, in O.S. No.228/2025, and 01.08.2026 passed in M.A. No.2/2026 by the II Additional District and Sessions Judge, Chitradurga.

2. Learned counsel appearing for the petitioners submits that Item Nos.2, 3 and 4 of the suit schedule properties are the self-acquired properties of the petitioners. It is contended that, in the absence of any prima facie material to establish that the said properties constitute joint family properties, the Courts below have committed an error in restraining the petitioners from alienating the said properties pending disposal of the suit.

2.1 It is further contended that the burden lies on the party asserting that the properties are joint family properties to establish the same. In the absence of prima facie material to substantiate such a claim, the impugned orders are unsustainable.

3. I have considered the submissions made by the learned counsel appearing for the petitioners and perused the material on record.

4. The suit is one for partition and separate possession. The specific contention of the petitioners is that Item Nos.2, 3 and 4 of the suit schedule properties are their self-acquired properties. However, the plaintiff has pleaded that certain properties were acquired out of the sale proceeds of the joint family properties, thereby constituting a joint family nucleus.

5. Both the Courts below, upon consideration of the pleadings and the material available on record, have prima facie found that the suit schedule properties are amenable to partition and that the contention of the petitioners regarding the self-acquisition of Item Nos.2, 3 and 4 requires consideration at the stage of trial. Having regard to the nature of the dispute and with a view to preventing multiplicity of proceedings, both the Courts have considered it appropriate to restrain the defendants/petitioners herein from alienating Item Nos.2, 3 and 4 of the suit schedule properties pending disposal of the suit.

6. On perusal of the reasons assigned by both the Courts below, it is evident that they have found that triable issues arise for consideration and that an order of restraint is necessary to preserve the nature and character of the suit schedule properties pending adjudication of the suit.

7. The findings recorded and the conclusions reached by both the Courts below are supported by cogent reasons and are based on the prima facie material available on record.

8. This Court finds no error or infirmity in the impugned orders warranting interference in exercise of its writ jurisdiction.

Accordingly, the writ petition stands ***dismissed***.

SD/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 1 Sl No.: 3