HC-KAR

NC: 2026:KHC:59557
WP No. 29720 of 2026

CNR: KAHC010649202026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 29720 OF 2026 (GM-CPC)

BETWEEN:

1. FANTASY BUILDERS AND ENGINEERS PVT. LTD.,
'OFFICE AT NO.8, ACRO TOWERS',
LALBAGH ROAD,
BANGALORE-560 027

INCROPORATED UNDER THE
COMPANIES ACT, 1956,
REPRESENTED BY ITS MANAGING DIRECTOR
MOHAMMED NAZEER AHMED,
S/O JANAB MOHAMMAD HAYATH SAHEB,
AGED ABOUT 76 YEARS,
CURRENTLY R/AT NO.3134,
SOBHA SILICON OASIS, HOSA ROAD,
BENGALURU-560 100.

...PETITIONER

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

(BY SRI VIKRAM A HUILGOL, SENIOR COUNSEL FOR
SRI MUHAMMAD SHAMIL, ADVOCATE)

AND:

1. U VENKATESH
S/O LATE T R UTHAMNAMBI,
AGED ABOUT 55 YEARS,
R/AT NO.30/2, LAKSHMANA MUDALIAR STREET,
SHIVAJINAGAR,
BENGALURU-560001.

2. T U RAMANUJAM
S/O LATE T R UTHAMNAMBI
AGED ABOUT 53 YEARS,
R/AT NO.1/1E, 3RD STREET,
DHARMARAJA KOVIL STREET
SHIVAJINAGAR, BENGALURU-560001.

3. SMT C PADMAVATHI
D/O LATE T R UTHAMNAMBI
AGED ABOUT 49 YEARS,
R/AT NO.14, NANDANAM SINGH LANE,
NARAYANA PILLAI STREET CROSS,
SHIVAJINAGAR, BENGALURU-560001.

4. SMT. SRILAKSHMI
AGED ABOUT 49 YEARS
D/O LATE SRI. T.R. SAMPATH KUMAR

5. SMT. GEETHA S. BABU
AGED ABOUT 47 YEARS
D/O LATE SRI. T.R. SAMPATH KUMAR

6. SMT. ANURADHA
D/O LATE SRI. T.R. SAMPATH KUMAR
AGED ABOUT 42 YEARS

7. SMT. RANGANAYAKI
AGED ABOUT 43 YEARS
D/O LATE SRI. T.R. SAMPATH KUMAR

8. SMT. MOHANA KUMARI
AGED ABOUT 37 YEARS
D/O LATE SRI. T.R. SAMPATH KUMAR

RESPONDENTS No.4 TO 8 ARE
R/AT NO.97 DISPENSARY ROAD,
CIVIL STATION, BENGALURU-560 025

9. MR.GOPI MURALI
S/O LATE SRI. T.R. SAMPATH KUMAR

10. MR. S.DEVARAJ
S/O LATE SRI. T.R. SAMPATH KUMAR

BOTH RESPONDENT No.9 AND 10 ARE
RESIDING AT NO.97,
DISPENSARY ROAD,
CIVIL STATION,
BENGALURU-560025

…RESPONDENTS

(VIDE ORDER DATED 27.10.2026 NOTICE TO RESPONDENTS IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 25/07/2026 PASSED IN I A NO.27/2026 IN OS NO.26186/2007 BY THE LEARNED XI ADDL. CITY CIVIL AND SESSION JUDGE BENGALURU (CCH-14) PRODUCED AT ANNEXURE A.

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

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

ORAL ORDER

The present petition is filed impugning the order dated 25.07.2026 passed in I.A. No. 27 in O.S. No. 26186/2007, filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908.

2. The learned Senior Counsel appearing for the petitioner submits that the petitioner instituted O.S. No. 26186/2007 seeking specific performance of the agreement to sell dated 01.11.2003, pursuant to which the petitioner was placed in possession of the suit schedule property. It is submitted that another agreement of sale was executed in respect of the suit schedule property in favour of Sri K. L. Srinivasa Murthy, which was the subject matter of O.S. No. 3352/1993, and the said suit came to be decreed.

2.1 It is further submitted that, pursuant to the directions issued by this Court in W.P. No. 24132/2014 to hear both suits simultaneously, the petitioner challenged the decree passed in O.S. No. 3352/1993 in R.F.A. No. 1271/2018 c/w R.F.A. No. 1266/2018. The Division Bench of this Court set aside the

decree passed in O.S. No. 3352/1993 and remitted the matter to the Trial Court for disposal along with O.S. No. 26186/2007.

2.2 It is submitted that the decree holder challenged the said order before the Hon'ble Supreme Court, which directed the parties to maintain status quo. Taking advantage of the said order, the vendor is allegedly interfering with the petitioner's peaceful possession and enjoyment of the suit schedule property. Accordingly, the petitioner filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, seeking to restrain such interference. It is contended that the Trial Court, by misconstruing the order passed by the Hon'ble Supreme Court, declined to consider the said application.

3. Considered the submissions made by the learned Senior Counsel for the petitioner and perused the impugned order.

4. In view of the limited direction this Court is inclined to pass, notice to respondent stands dispensed with.

5. O.S. No. 3352/1993 and O.S. No. 26186/2007 are suits for specific performance in respect of two separate agreements of sale concerning the same suit schedule property. O.S. No. 3352/1993 came to be decreed. The said decree was challenged in R.F.A. Nos. 1271/2018 and 1266/2018, wherein the Division Bench of this Court set aside the decree and remitted the matter to the Trial Court for disposal along with the other pending suit, namely, O.S. No. 26186/2007.

6. Aggrieved by the order of remand, the decree holder preferred S.L.P. (C) Nos. 13310–13311/2024 before the Hon'ble Supreme Court, wherein an order directing the parties to maintain status quo came to be passed. The effect of the said order has to be understood in the context of the relief sought before the Hon'ble Supreme Court. The learned Senior Counsel has furnished a copy of the special leave petitions filed before the Hon'ble Supreme Court. The grounds urged in support of the prayer for interim relief relate to the difficulty and inconvenience likely to be caused to the decree holder if the order of remand is given effect to. In that context, the status quo order passed by the Hon'ble Supreme Court can only

be understood as operating in relation to the remand proceedings in O.S. No. 3352/1993.

7. However, pending adjudication of both suits, the nature and status of the suit schedule property are required to be preserved. It is evident from the agreement of sale forming the subject matter of O.S. No. 26186/2007 that the petitioner herein was placed in possession of the suit schedule property. The status quo order passed by the Hon'ble Supreme Court in the proceedings arising out of O.S. No. 3352/1993 is for retrial of O.S.No. 3352/1993 cannot, by itself, preclude the Trial Court from considering an application seeking interim relief in O.S. No. 26186/2007 for the preservation of the suit schedule property.

8. In the circumstances, the Trial Court erred in declining to adjudicate the application filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, by relying upon the status quo order passed by the Hon'ble Supreme Court. A proper reading of the said order in the context of the grounds urged in support of the prayer for interim relief does not

warrant the conclusion that the Trial Court is precluded from considering an application for interim relief.

9. In view of the above, the impugned order cannot be sustained and warrants reconsideration by the Trial Court.

10. Accordingly, the following:

O R D E R

I. The writ petition is ***allowed***.

II. The order dated 25.07.2026 passed in O.S. No. 26186/2007 is hereby ***set aside***.

III. I.A. No. 27, filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, is ***remitted*** to the Trial Court for adjudication on merits.

IV. Having regard to the grounds urged in support of the application filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, the Trial Court is directed to consider and dispose of the said application expeditiously, preferably

within an outer limit of one month from the date of receipt of a copy of this order.

Sd/-
(K. V. ARAVIND)
JUDGE

VP
List No.: 1 Sl No.: 12