HC-KAR

NC: 2026:KHC:62717
WP No. 34697 of 2026

CNR: KAHC010763202026

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. 34697 OF 2026 (GM-CPC)

BETWEEN:

1. M/S. YADALAM PROPERTIES,
A PARTNERSHIP FIRM,
REPRESENTED BY ITS PARTNERS
SRI. V.G. VIJAYKUMAR AND
SRI. Y.A. SUBRAMANYAM,
HAVING ITS OFFICE AT
VANTAGE POINT-II,
NO.945, VATAL NAGARAJ ROAD,
RAJAJINAGAR IV BLOCK,
BANGALORE 560010.

REPRESENTED BY ITS
POWER OF ATTORNEY HOLDER,
PRESTIGE ESTATES PROJECTS LIMITED
A COMPANY INCORPORATED
UNDER THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT
PRESTIGE FALCON TOWER,
NO. 19, BRUNTON ROAD,
BANGALORE 560025.
REPRESENTED BY ITS
AUTHORISED SIGNATORY
MR. CHETHAN S.P.

2. PRESTIGE ESTATES PROJECTS LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT

Digitally signed by VIJAYA P
Location: High Court of Karnataka

PRESTIGE FALCON TOWER,
NO. 19, BRUNTON ROAD,
BANGALORE 560025
REPRESENTED BY ITS
AUTHORISED SIGNATORY
MR. CHETHAN S.P.

…PETITIONERS

(BY SRI C.K. NANDA KUMAR, SENIOR COUNSEL FOR
SRI RAGHURAM CADAMBI, ADVOCATE)

AND:

1. SRI. S. KRISHNANANDA,
S/O. LATE S. SUBBA RAO,
AGED ABOUT 61 YEARS,
FLAT NUMBER A 109,
AVANI HILLS APARTMENT
1ST FLOOR, BEML 3RD STAGE
GATTIGERE POST,
RAJARAJESHWARINAGAR,
BANGALORE 560098.

2. SMT. YASHODAMMA,
W/O. SRI. RAMAIAH SHETTY,
AGED ABOUT 93 YEARS,
RESIDING AT KELAGIN PETE,
MANCHENAHALLI,
CHIKKABALLAPURA,
KARNATAKA 561211.

3. SRI. THABREZ KHAN N.,
S/O. MR. NASEER KHAN,
AGED ABOUT 34 YEARS,
RESIDING AT 4TH CROSS,
M. V. EXTENSION, KANAKANAGAR,
HOSKOTE, BANGALORE RURAL DISTRICT
KARNATAKA-562114.

4. SRI. B. SYED ALI MURTHUZA,
S/O. MR. BASHA M.,

AGED ABOUT 35 YEARS,
RESIDING AT 2ND MAIN,
7TH CROSS, KANAKANAGAR,
V. V EXTENSION, HOSKOTE,
BANGALORE RURAL DISTRICT
KARNATAKA 562114.

5. SMT. MUNILAKSHMAMMA,
D/O. LATE SRI. VENKATASAMAPPA,
W/O. SRI. SRINIVAS,
AGED ABOUT 57 YEARS,
RESIDING AT HOUSE NO.03,
S S LAYOUT, H. S. GARDEN,
WARD NO.22, CHIKKABALLAPURA TOWN.

6. SMT. GAYITHRAMMA,
D/O. LATE SRI. VENKATASAMAPPA,
W/O. SRI. RAMESH N. M.,
AGED ABOUT 46 YEARS,
RESIDING AT NO. 71,
NEAR MARAMMA TEMPLE, NANDI,
CHIKKABALLAPUR, KARNATAKA - 562103.

7. SMT. ANNAMMA PETER,
W/O. LATE SRI. K. C. PETER,
AGED ABOUT 78 YEARS,
RESIDING AT NO. 366,
PETER VILLA, MOTAPPAN PALYA,
INDIRANAGAR, BANGALORE - 560038.

8. SRI. V. BALASUBRAMANIAN,
S/O. LATE SRI. VENKATARAMAN,
AGED ABOUT 69 YEARS,
RESIDING AT GORVIGERE VILLAGE,
KANNAMANGALA POST, HOSKOTE TALUK,
BANGALORE SOUTH.

…RESPONDENTS

(VIDE ORDER DATED 12.11.2026 NOTICE TO
RESPONDENTS IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE EX-PARTE AD - INTERIM ORDER OF INJUNCTION DATED 03.10.2026 PASSED IN O.S. No.552/2026 ON THE FILE OF THE HON'BLE CIVIL JUDGE AND JMFC, DEVANAHALLI (ANNEXURE-A)

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

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

ORAL ORDER

The present petition assails the *ex-parte* order of temporary injunction dated 03.10.2026, whereby the petitioners herein have been restrained from interfering with the suit schedule property.

2. Learned Senior Counsel appearing for the petitioners submits that the petitioners have undertaken a development project in an area measuring 8 acres in Survey No.73 of Yarthiganahalli Village, Kasaba Hobli, Devanahalli Taluk, Bengaluru Rural District, which forms part of old Survey No.55 of the same village.

2.1 It is submitted that a caveat was filed describing the scheduled property as land measuring 8 acres in Survey No.73

of Yarthiganahalli Village. However, the plaint has been presented describing the suit property as land measuring 4 acres in old Survey No.55 of Yarthiganahalli Village, without disclosing the current survey number, allegedly with a view to avoiding service of notice on the caveators. It is further submitted that the impugned order restraining the petitioners has been obtained by misrepresentation and suppression of material facts. Accordingly, it is contended that the impugned order is liable to be set aside.

3. Considered the submissions made by learned Senior Counsel appearing for the petitioners.

4. In view of the limited direction this Court is inclined to order, notice to respondents is unnecessary and accordingly, dispensed with.

5. A *prima facie* perusal of the plaint averments indicates that the suit schedule property is described as land measuring 4 acres in old Survey No.55 of Yarthiganahalli Village, Kasaba Hobli, Devanahalli Taluk, Bengaluru Rural District, without disclosing the current survey number. As can be seen from the

caveat, two parcels of land, each measuring 4 acres, are described in the schedule as forming part of Survey No.73, which in turn forms part of the larger extent of land bearing old Survey No.55 of Yarthiganahalli Village. The submission of learned Senior Counsel that an incorrect description of the suit schedule property has been furnished to avoid notification of the caveat appears to be tenable.

6. It is not the case that, if the Trial Court is directed to reconsider the application after affording an opportunity of hearing to the petitioners, the nature or identity of the suit schedule property would undergo any change. It is also not the case that the suit schedule property would be altered in such a manner as to result in an irreversible situation.

7. On the basis of misleading facts, the caveator cannot be deprived of the right to oppose the grant of an interim order. Otherwise, the very purpose of providing for such an enabling provision would be defeated. As described in the caveat, the suit schedule property is undeveloped land. In that view, the following:

CNR: KAHC010763202026

ORDER

i) Writ petition is ***allowed***.

ii) The impugned *ex-parte* injunction order dated 03.10.2026 is hereby set aside.

iii) The petitioners have undertaken to enter appearance before the Trial Court on 13.11.2026.

iv) The Trial Court shall grant time till 20.11.2026 to file objections to I.A.No.1 and thereafter, adjudicate the same.

v) Pending re-consideration as directed hereinabove, the petitioners are expected not to create any third party rights.

SD/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 Sl No.: 142