HC-KAR

NC: 2026:KHC:64869
WP No. 35492 of 2026

CNR: KAHC010782342026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 35492 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. HANUMAKKA,
DAUGHTER OF LATE SIDDAPPA,
WIFE OF SIDDALINGAIAH,
AGED ABOUT 61 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

2. SMT. YELLAMMA,
DAUGHTER OF LATE SIDDAPPA
WIFE OF MANI,
AGED ABOUT 56 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

3. SRI.SIDDAPPAJI,
SON OF LATE SIDDAPPA
AGED ABOUT 54 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

Digitally signed by VIJAYA P
Location: High Court of Karnataka

4. SRI.SHANKARAPPA,
SON OF LATE SIDDAPPA
AGED ABOUT 52 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

5. SRI. NARAYANAPPA,
SON OF LATE SIDDAPPA
AGED ABOUT 51 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

6. SMT. RANTHNAMMA,
DAUGHTER OF LATE SIDDAPPA
WIFE OF MAHADEVAIAH,
AGED ABOUT 56 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

…PETITIONERS

(BY SRI PUNITH C., ADVOCATE)

AND:

1. SMT. LAKSHMI @ BOYALAKSHMI
DAUGHTER OF PUJIGAIAH
WIFE OF B NARASIMHAMURTHY,
AGED ABOUT 46 YEARS,
RESIDING AT NO.14/5/163,
BOYAPETA, HINDUPUR, ANANTAPUR,
ANDHRA PRADESH, PIN CODE-515 201.

2. SRI. NARASAPPA,
SON OF LATE SIDDAPPA
AGED ABOUT 60 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

3. SMT.MANGAMMA,
WIFE OF LATE RACHAIAH,
AGED ABOUT 72 YEARS,
RESDING AT NO.34, NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

4. SRI. YELLAPPA
SON OF LATE RACHAIAH,
AGED ABOUT 72 YEARS,
RESIDING AT NO.34,
NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

5. SMT. SANJIVAMMA,
WIFE OF LATE SIDDAPPA,
AGED ABOUT 55 YEARS,
RESIDING AT NO.41/1,
NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

6. SRI.RAJU,
SON OF LATE SIDDAPPA,

AGED ABOUT 33 YEARS,
RESIDING AT NO.41/1,
NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

7. SMT. NIRMALA,
DAUGHTER OF LATE SIDDAPPA,
AGED ABOUT 31 YEARS,
RESIDING AT NO.41/1,
NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

8. SRI.ASHOKA,
SON OF LATE SIDDAPPA,
AGED ABOUT 29 YEARS,
RESIDING AT NO.41/1,
NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

9. SMT. LASHMINARASAMMA,
DAUGHTER OF LATE THIMMAIAH,
WIFE OF SRINIVASA,
AGED ABOUT 54 YEARS,
RESIDING AT NO.42-A,
B M ROAD, SHESHAGIRIHALLI,
HEJJALA, RAMANAGARA,
PIN CODE-562109.

10. SRI.NARASIMHAIAH,
SON OF LATE THIMMAIAH,
AGED ABOUT 52 YEARS,

RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

11. SRI. VAJRAPPA,
SON OF LATE THIMMAIAH,
AGED ABOUT 50 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

12. SRI.GANESHA,
SON OF LATE THIMMAIAH,
AGED ABOUT 50 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

13. SRI.GANDHI,
SON OF LATE CHIKAPUJIGA,
AGED ABOUT 50 YEARS,
RESIDING AT KENGERI UPANAGARA,
KOMAGHATTA ROAD,
NEAR KENGERI POLICE STATION,
BENGALURU-560060.

14. SRI.JAGADEESHA,
SON OF LATE CHIKA PUJIGA,
AGED ABOUT 50 YEARS,
RESIDING AT KENGERI UPANAGARA,
KOMAGHATTA ROAD,
NEAR KENGERI POLICE STATION,
BENGALURU-560060.

15. SMT. RENUKAMMA,
DAUGHTER OF LATE VAJRAGAIAH,
AGED ABOUT 50 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

16. SRI.MAHADEVA,
SON OF LATE KURISIDDAIAH,
AGED ABOUT 45 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

17. SRI.MANTELINGAIAH,
SON OF LATE YELAGAIAH,
AGED ABOUT 50 YEARS,
RESIDING AT NELAGULI VILLAGE,
KANAKAPURA MAIN ROAD,
UTTARAHALLI HOBLI,
BANGALORE SOUTH TALUK,
PIN CODE 560 082.

18. SRI.PRAMOD ANAND,
SON OF ANAND RAO,
AGED ABOUT 45 YEARS,
RESIDING AT NO.E3,
3RD FLOOR, VINAYAKA RESIDENCY,
GANESHA BLOCK, R T NAGAR,
BANGALORE-560 032.

19. SRI.PRAKASH.K.V
SON OF VENKATESHAPPA,
AGED ABOUT 49 YEARS,
RESIDING AT NO.326,
UTTARI MAIN ROAD,

KAGGALIPURA,
BENGALURU-560082.

20. MR.S V RAJESH,
SON OF VENKATASHIVA REDDY R.,
AGED ABOUT 43 YEARS,
RESIDING AT GORTHAPALLI,
D KOTHAPALLI, SAJJUPALLI,
CHIKKABALLAPURA-561207.

21. MR.K ASHOK,
SON OF N KUMAR,
AGED ABOUT 41 YEARS,
RESIDING AT NO.18 (OLD NO.16),
10TH CROSS, 16TH MAIN,
MUTHYALAMMA TEMPLE,
BTM LAYOUT, 1ST STAGE,
BENGALORE-560029.

22. M/S URBANSTORIES DEVELOPERS LLP PVT. LTD.,
REPRESENTED BY ITS DESIGNATED PARTNER
MR.SOURAV N R,
AGED ABOUT 25 YEARS,
OFFICE AT NO.677/29,
FLAT NO.202, 12TH CROSS,
JAYANAGAR 7TH BLOCK,
BENGALURU-560070.

…RESPONDENTS

(VIDE ORDER DATED 20.11.2026 NOTICE TO RESPONDENTS IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 31.10.2026 AS PER ANNEXURE-A PASSED BY THE LEARNED I ADDITIONAL SENIOR CIVIL JUDGE BENGALURU RURAL AT BENGALURU, IN O.S.NO.2311/2026, TO THE EXTENT OF REFUSING THE EXPARTE INTERIM ORDER AND ALLOW THE INTERLOCUTORY APPLICATION NO.I FILED BY THE PLAINTIFF/PETITIONERS UNDER ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF CPC AS PER ANNEXURE-K1.

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 31.10.2026, whereby notice was issued on I.A. Nos. I and II, filed under Order XXXIX Rules 1 and 2 of the CPC, seeking an order of temporary injunction to restrain the defendant Nos. 18 to 22, from interfering with the plaintiffs' peaceful possession and enjoyment of the suit schedule property and from alienating the same or creating any third-party rights therein.

2. Learned counsel appearing for the petitioners submits that the suit is instituted for partition and separate possession. Defendant Nos. 1 to 3, 5 and 9 had executed an agreement of sale dated 08.11.2019 for a consideration of Rs.2,40,00,000/- (Rupees Two Crore Forty Lakhs Only).

2.1 It is submitted that the said agreement of sale came to be cancelled on 05.06.2025. However, a sale deed came to be executed on the very same date, i.e., 05.06.2025, for a consideration of Rs.88,00,000/- (Rupees Eighty-Eight Lakhs

Only). It is contended that the sale deed is not supported by adequate consideration and has been executed with an intention to deprive the petitioners of their legitimate share in the property.

2.2 It is further submitted that the vendors are attempting to create third-party interests by transferring the schedule property and that, unless restrained, such transactions would result in multiplicity of proceedings and defeat the petitioners' rights to a share in the said property.

3. Considered the submissions made by learned counsel for the petitioners and perused the material on record.

4. In view of the limited nature of interference proposed by this Court, issuance of notice to the respondents is dispensed with.

5. The suit is one for partition and separate possession and also seeks a declaration that the registered sale deed dated 05.06.2025, executed by defendant Nos. 1 to 3, 5 and 9 in favour of defendant Nos. 18 and 19, is null and void.

6. For the limited purpose of examining the contentions raised by the petitioners, the agreement of sale dated 08.11.2019, the deed of cancellation dated 05.06.2025 and the absolute sale deed dated 05.06.2025 have been perused. Under the agreement of sale dated 08.11.2019, the total consideration agreed upon was Rs.2,40,00,000/-. The said agreement came to be cancelled on 05.06.2025. However, despite the apparent appreciation in the value of the property, the sale deed executed on the very same date in respect of the same property records the sale consideration at Rs.88,00,000/- only.

7. The aforesaid circumstances prima facie indicate that the sale transaction may not be bona fide and appears to have been entered into with an intention to defeat the legitimate rights and possible shares of the petitioners in the suit schedule property. When such a prima facie case is made out, the Trial Court has committed an error in declining to restrain further alienation of the suit schedule property, at least by way of an ex parte order of temporary injunction, until the defendants are heard.

8. In that view of the matter, the following order:

ORDER

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

II. Both parties are directed to maintain *status quo* insofar as the title to the suit schedule property is concerned, pending adjudication of I.A. Nos. I and II by the Trial Court.

III. The Trial Court is directed to expedite the hearing and dispose of I.A. Nos. I and II, filed under Order XXXIX Rules 1 and 2 of the CPC, within an outer limit of two months from today.

IV. The order of *status quo* shall continue to operate until the aforesaid applications are considered and disposed of by the Trial Court.

V. The Trial Court shall consider the said applications independently and on their merits, without being influenced by any of the observations made in this order.

9. It is noticed that the agreement of sale dated 08.11.2019, produced as Annexure-F1, records the agreed sale

consideration at Rs.2,40,00,000/-. Ordinarily, the value of immovable property appreciates over time. The said agreement came to be cancelled under a deed of cancellation dated 05.06.2025. On the very same date, a sale deed came to be executed in respect of the same property, as per Annexure-G1, recording the sale consideration at Rs.88,00,000/- only.

10. This Court finds no apparent or justifiable reason for such a substantial reduction in the sale consideration. Prima facie, such a transaction raises concerns as to whether the reduced consideration has been recorded to facilitate transactions involving unaccounted cash or to evade payment of stamp duty or capital gains, if applicable.

11. In view of the prima facie circumstances emerging from the documents, this Court is of the opinion that Annexures-F1, F2 and G1 warrant examination by the Director General of Income Tax for such action as may be considered appropriate in accordance with law.

12. Accordingly, the Registry is directed to forward copies of Annexures-F1, F2 and G1, along with a copy of this order, to

the Director General of Income Tax, CR Building, Queen's Road, Bengaluru–560001, for necessary examination and action in accordance with law.

Sd/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 2 Sl No.: 14