HC-KAR

NC: 2026:KHC:3834
WP No. 37218 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 37218 OF 2025 (GM-CPC)

BETWEEN:

RENUKAMMA,
D/O. LATE YELLAPPA K. M.,
W/O ARALADAS,
AGED ABOUT 40 YEARS,
R/AT SIDDARTHANAGARA,
KUNIGAL TOWN, KUNIGAL TALUK,
TUMKUR – 572 130.

…PETITIONER

(BY SRI. SANTOSH B., ADVOCATE)

AND:

1. RATHNAMMA
   W/O. LATE YELLAPPA K.M.,
   AGED ABOUT 66 YEARS.

2. PARUSHURAM
   S/O. LATE YELLAPPA K.M.,
   AGED ABOUT 49 YEARS.

3. SURESHA
   S/O. LATE YELLAPPA K.M.,
   AGED ABOUT 46 YEARS.

4. NAGAMMA
   W/O. LATE YELLAPPA K.M.,
   AGED ABOUT 51 YEARS.

5. RENUKA PRASAD
   S/O. LATE YELLAPPA K.M.,
   AGED ABOUT 26 YEARS.

Digitally signed by CHANDANA B M
Location: High Court of Karnataka

RESPONDENTS ARE ALL RESIDING AT
SIDDARTHANAGARA,
KUNIGAL TOWN, KUNIGAL,
TUMKUR – 572 130.

…RESPONDENTS

(BY SMT. K. B. JAYALAKSHMI, ADVOCATE FOR CAV / R4 & R5)

THIS W.P. IS FILED UNDER ARTICLE 227 OF CONSTITUTION OF INDIA PRAYING TO DIRECTION TO SET ASIDE THE IMPUGNED DATED 28/10/2025 PASSED BY THE HON'BLE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC IN MA NO. 37/2024 (ANNX-A) AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the plaintiff in O.S.386/2024 on the file of the Civil Judge and JMFC, Kunigal (for short "the Trial Court") is directed against the impugned order dated 28.10.2025, whereby the appeal in M.A.No.37/2024 filed before the Principal Senior Civil Judge and JMFC, Kunigal (for short "the First Appellate Court") by respondent Nos.4 and 5 against the order dated 09.08.2024 passed on I.A.No.1 by the Trial Court was allowed by the First Appellate Court, which dismissed the temporary injunction application filed by the petitioner-plaintiff.

2. Heard learned counsel for the petitioner, learned counsel for respondent Nos.4 and 5 and perused the material on record.

3. A perusal of the material on record will indicate that the petitioner-plaintiff instituted the aforesaid suit against the respondents-defendants for partition and other reliefs in relation to the suit schedule, immovable property. Along with the suit, the petitioner-plaintiff having filed an application for temporary injunction, the Trial Court passed an Order dated 09.08.2024 allowing I.A.No.1 and restraining respondent No.4-defendant No.4 from putting up any construction over the suit schedule property, till disposal of the suit. Aggrieved by the said order, respondent Nos.4 and 5, filed an appeal in M.A.No.37/2024, which was allowed by the First Appellate Court, which set aside the order of the Trial Court and dismissed and dismissed the temporary injunction application filed by the petitioner-plaintiff who is before this Court by way of the present petition.

4. Learned counsel for the respondents is physically present along with respondent Nos.4 and 5, who jointly submit that if respondent Nos.4 and 5 are permitted to complete the ongoing

construction on a portion of the suit schedule only on the ground floor, the respondents would not claim any equities in this regard and the said construction can be made subject to the final outcome of the suit by leaving open all contentions to be decided by the Trial Court in the suit.

5. Learned counsel for the petitioner submits that the order passed by the Trial Court and the impugned order passed by the First Appellate Court may be modified by incorporating certain conditions to protect the rights of the parties.

6. The said submissions are placed on record.

7. In view of the aforesaid facts and circumstances and joint submissions made by both sides, I deem it just and appropriate to dispose of this petition by issuing certain directions:

8. In the result, I pass the following:

ORDER

(i) The petition is hereby disposed of.

(ii) The impugned order of Trial Court and the impugned order passed by the First Appellate Court are hereby modified.

(iii) Respondent Nos.4 and 5 are permitted to complete the ongoing construction only of the ground floor portion of the suit schedule property, which would be subject to the final outcome of the suit on the condition that respondents Nos.4 and 5 shall not claim any equities in this regard and that the said construction would be without prejudice to the rights and contentions of the parties.

(iv) The Trial Court is directed to dispose of the suit as expeditiously as possible and in accordance with law.

(v) All rival contentions on all aspects of the matter are kept/left open and no opinion is expressed on merits/demerits of the rival contentions.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

BMC
List No.: 1 Sl No.: 17