IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

MISCELLANEOUS FIRST APPEAL NO. 9311 OF 2025 (CPC)

BETWEEN:

SRI VISHWESHWAR BHAT
S/O SRI. KESHAV BHAT,
AGED ABOUT 44 YEARS
RESIDING AT NO.114,
HAVYAKA, S-3,
3RD FLOOR,
ANUGRAHA LAYOUT,
BEHIND SHANTINIKETHAN SCHOOL,
BILEKAHALLI,
BANNERGHATTA ROAD,
BENGALURU SOUTH,
BENGALURU - 560 076.

...APPELLANT

(BY SRI. AJIT KALYAN.,ADVOCATE)

Digitally signed by MAHALAKSHMI B M
Location: HIGH COURT OF KARNATAKA

AND:

1. SRI R CHIRANJEEVIILU NAIDU
S/O LATE SRI. VARADAPPA NAIDU
AGED ABOUT 65 YEARS
RESIDING AT NO.357,
4TH B CROSS, 5TH BLOCK,
BANASHANKARI 3RD STAGE,
BENGALURU - 560 085.

2. SRI. A.V. HEMARAJU
S/O LATE A.V.VARADARAJU
AGED ABOUT 56 YEARS,
RESIDING AT NO.221,

AMRUTHUR HOBLI,
KUNIGAL TALUK,
YADAVANNE,
TUMKUR DISTRICT - 572 111.

3. SRI. T. S SUNDAR RAJ @ T.S. SUNDAR RAJU
S/O LATE SUBRAMANYA
AGED ABOUT 65 YEARS,
RESIDING AT NO.1756/A,
GROUND FLOOR,
34TH CROSS,
SLV MEADOWS,
BSK II STAGE,
BENGALURU - 560 070.

4. SRI. A. ANAND
S/O LATE ANJINAPPA
AGED ABOUT 49 YEARS
RESIDING AT NO.10,
3RD CROSS,
NEXT TO MARAMMA TEMPLE,
AREHALLI VILLAGE,
UTTARAHALLI HOBLI,
SUBRAMANYAPURA POST,
BENGALURU - 560 061.

5. SMT. NARAYANAMMA
W/O LATE ANJINAPPA
AGED ABOUT 70 YEARS
RESIDING AT NO.10,
3RD CROSS,
NEXT TO MARAMMA TEMPLE,
AREHALLI VILLAGE,
UTTARAHALLI HOBLI,
SUBRAMANYAPURA POST,
BENGALURU - 560 061.

…RESPONDENTS

(BY SRI. H JAYANTH.,ADVOCATE FOR C/R1)

THIS MFA IS FILED U/O.43 RULE 1(r) OF THE CPC, AGAINST THE ORDER DT.24.10.2025 PASSED ON I.A.NO.1

IN O.S.NO.6224/2025 ON THE FILE OF THE XXIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-30), ALLOWING IA NO.1 FILED U/O.39 RULE 1 AND 2 OF CPC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

This Miscellaneous First Appeal is preferred by defendant No.1 assailing the order dated 24.10.2025 passed on I.A.No.1 in O.S.No.6224/2025 on the file of the XXIX Additional City Civil and Sessions Judge, Bengaluru (CCH-30) (for short 'the trial Court'), whereby the trial Court restrained the defendant from interfering with the possession of the plaintiff and from creating third party rights.

2. Heard Sri. Ajith Kalyan, learned counsel for the appellant and Sri. H Jayanth, learned counsel appearing for caveator/respondent No.1.

Brief facts:

3. The plaintiff instituted a suit for declaration to declare that the plaintiff is the absolute owner of the suit schedule property and to declare the registered sale deeds dated 03.09.2018 and 28.03.2025, as null and void and not binding upon the plaintiff and for permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit schedule property.

4. Along with the suit, the plaintiff has filed application i.e., I.A.No.1 seeking temporary injunction. Upon consideration, the trial Court has allowed the application and granted an injunction in favour of the plaintiff.

5. Learned counsel for the appellant/defendant No.1 submits that the appellant is the registered owner in settled possession and the plaintiff is a stranger with no title. It is contended that the Trial Court erred in holding

that the plaintiff has established a *prima-facie* case, balance of convenience and irreparable injury. It is submitted that the plaintiff has not even sought possession, indicating weakness and lack of clarity. It is submitted that the injunction against the true owner in possession is contrary to the settled law and the Trial Court ignored registered document and revenue records supporting the claim of the appellant. It is submitted that the impugned order suffers from perversity, illegality and arbitrariness warranting interference by this Court.

6. *Per contra*, learned counsel appearing for the respondents sought to justify the impugned order and submits that the plaintiff is in possession of the suit schedule property and the trial Court having found that there is a *prima-facie* case, being made out, has granted injunction in his favour, which warrants no interference by this Court.

7. This Court has carefully considered the submissions and perused the material on record. The point that arises for consideration is:

"*Whether the impugned order of the trial Court warrants any interference by this Court*".

8. It is well settled that in an appeal against an order passed on an application seeking temporary injunction, the exercise of jurisdiction by the Appellate Court is limited to the extent of observing "whether there is a perversity, illegality or the principles governing the temporary injunction have been violated" and only under those circumstances, the Appellate Court will interfere with the discretion exercised by the trial Court.

9. In the present case, the dispute between the parties pertains to title and possession. Both of which are seriously contested. The appellant has placed reliance on the registered sale deed and the defendants have disputed the same and claim independent title. The question as to

who is in actual possession and validity of rival title claims, are matters that require full fledged trial and cannot be conclusively determined at the interlocutory stage.

10. Thus, while the Trial Court was justified in protecting the subject matter of the suit, granting absolute injunction is not warranted. In order to balance equities and preserve the property, an order of *status-quo* would met the ends of justice. Accordingly, the point framed for consideration is answered and this Court pass the following:

ORDER

i) The Miscellaneous First Appeal is ***allowed in-part***.

ii) The impugned order dated 24.10.2025 passed on I.A.No.1 in O.S.No.6224/2025 on the file of the XXIX Additional City Civil and Sessions Judge, Bengaluru (CCH-30), is hereby ***modified***.

iii) Both the parties are directed to maintain *status-quo* with regard to possession, alienation or encumbrance pending consideration of the suit.

iv) Any observation made herein or by the trial Court are only for the purpose of consideration of the interlocutory application and shall not influence the Trial Court in deciding the suit on its merits.

Sd/-

JUSTICE K.S. HEMALEKHA

PHM
List No.: 1 Sl No.: 19