

KABC170006212025



**IN THE COURT OF LXXXV ADDL. CITY CIVIL & SESSIONS
JUDGE, AT BENGALURU (CCH-86) (Commercial Court)**

THIS THE 23rd DAY OF SEPTEMBER 2025

**PRESENT:
SRI.ARJUN. S. MALLUR. B.A.L.LL.B.,
LXXXV ADDL. CITY CIVIL & SESSIONS JUDGE,
BENGALURU.**

Com.OS.No.214/2025

PLAINTIFFS:

1. Mrs. Vijaya Subramaniyan

W/o Late Mr. T.R.Subramaniyan,
Aged about 61 years,
R/At No.1094, 12-A Main Road,
ESI Hospital, HAL 2nd Stage
Bengaluru-560 008.

2. Mrs. Rajeswari Venkatesh

W/o Mr. Venkatesh Vaidyanathan,
D/o Late Mr. T. R. Subramaniyan,
Aged about 61 years,
R/At No.1094, 12-A Main Road ESI Hospital
HAL 2nd Stage Bengaluru-560 008.

3. Mr. K Balasubramaniyan

R/At No.19, Flat No.103
Mantri Residency Bannerghatta Road
Bengaluru-560 076.

Plaintiff Nos. 1 to 3 are Rep By SPA Holder:
Mr. Venkatesh Vaidyanatha

(Represented By Sri. Anirudh Suresh, Advocate)

: Versus:

DEFENDANTS:

1. M/S Gaurav Housing Development Pvt Ltd

Registered Office At No.3442,
Service Road, RPC Layout,
Vijayanagar
Bangalore-560 040.

2. Mr. Sanchit Gaurav

Director Of M/S Gaurav Housing Development Pvt Ltd
Holding 75% of shares in defendant No.1
S/o Mr. Rajiv Raman Sinha,
R/At No.1148, 13th Cross, 1st Stage
Nagarbhavi Behind Siddayanga School
Chandra Layout Bangalore-560 040.

Also At No.651/B Surya,
19th Main Road, Ideal Home Township
Bangalore-560 098.

3. Mr. Rajiv Raman Sinha

Director Of M/S Gaurav Housing Development Pvt Ltd.
Holding 25% of shares in defendant No.1

S/o Bishnu Deconarayan Sinha,
R/at No. No.651/B Surya, 19th Main Road,
Ideal Home Township
Bangalore-560 098

**(Represented by Sri. Anupam Agarwal, Advocate for D2
D1 is absent D3 is abated)**

IA.NO.IV

**Applicant/Plaintiffs: Mrs. Vijaya Subramanian and
others**

(Represented By Sri. Anirudh Suresh, Advocate)

V/s

Opponents/Defendant No.2: Mr. Sanchit Gaurav

(Represented by Sri. Anupam Agarwal, Advocate)

(i)	Provisions under which the application is filed	under Sec.151 of CPC
(ii)	Relief sought for	For passing an order with respect to affixing the notice of grant of temporary injunction at the schedule B and C properties which is formed in the schedule A

		property.
(iii)	The date on which the application is filed	07.08.2025
(iv)	Number of the application	I.A.No.IV
(v)	The date on which the objections are filed by different opponents	14.08.2025
(vi)	The date on which the orders were passed on the said application	23.09.2025

ORDER ON IA.NO.IV

I.A.No.4 is filed by the plaintiff under Sec.151 of CPC for passing an order with respect to affixing the notice of grant of temporary injunction at the schedule B and C properties which is formed in the schedule A property.

2. It is contention of the plaintiff that the during the pendency of the proceedings there was an ad-interim order of temporary injunction which has been subsequently made absolute by this Court. It is submitted that inspite of the existence of injunction order the defendants are still making hectic attempts to sell the property and therefore there may be an order directing of the afixture of the interim order so as to restrain the

defendants from making any attempts to sell the property.

3. The defendant No.2 has filed objections to this application contending that pursuant to the passing of the temporary injunction order dated 18.07.2025 the defendant No.2 has not made any attempt to sell the schedule B and C properties which are the subject matter of this suit. It is submitted that affixation of the notice of temporary injunction would thwart the process of disposing of other properties which are in existence in the schedule A property and which are not the subject matter of this suit thereby the same would cause severe economic loss to the defendant Nos.1 and 2. It is submitted that in the light of the temporary injunction being granted by this Court there shall not be any attempt to sell or alienate or create any third party interest on the schedule B and C properties. However affixing the said notice will preclude the defendant No.1 from dealing with the other properties which are not the subject matter of this suit and such a measure cannot be permitted in law and on these grounds sought for rejecting the application with costs.

4. Heard the learned counsels appearing for both sides.
Perused the material on record.

5. The points for consideration are:-

1) Whether the plaintiff has made out justifiable grounds for grant of the relief as prayed under the application?

2) What order?

6. My answer on the above point is as under:

Point No.1: **In the Negative.**

Point No.2: As per final order for the following

REASONS

7. **POINT NO.1**:- After filing of the suit and after appearance of the defendants as repeated adjournments were sought for filing the written statement and objections to I.A.No.1 which was filed under Order XXXIX Rules 1 and 2 of CPC this Court vide order dated 04.04.2025 had passed an ad-interim order restraining the defendants from alienating or creating any

encumbrance or third party rights over the schedule properties. Schedule properties which are the subject matter of the present suit are schedule B and C properties which have been carved out of schedule A properties. The plaintiffs No.1 and 2 are concerned with schedule B whereas plaintiff No.3 is concerned with the Schedule C property. Pursuant to the grant of ad-interim orders upon filing objections and upon hearing both sides this Court vide order dated 18.07.2025 has allowed I.A.No.1 restraining the present defendant Nos.1 and 2 from alienating or creating any encumbrance or creating third party rights over schedule B and C properties formed in the schedule A property till disposal of the suit.

8. In the present application the defendant is seeking for a permission to affix a notice of interim injunction on schedule B and C properties. It is contended by the plaintiff that inspite of passing of temporary injunction order there are attempts made by the defendants to sell the schedule B and C properties and if the defendants succeed the plaintiff would be left with no liability. The said contention of the plaintiff has been without any basis whatsoever. Except making an averment in the affidavit in

support of application the plaintiff has not placed on record any material to infer that even after passing of the temporary injunction order dated 18.07.2025 attempts are being made by defendants to alienate schedule B and C properties. Even if that is so the proper course available to the plaintiff would be to invoke the provisions of Order XXXIX Rule 2 A of CPC for violation of the interim order. It is undisputed that apart from schedule B and C properties there are numerous other properties in schedule A upon which obviously the plaintiffs have no right and they have also not subject matter of the suit. In such circumstances affixing a notice of temporary injunction granted as against schedule B and C properties would definitely send wrong signals proving to be detrimental to the interest of defendant No.1 in dealing with other properties which are not subject matter of this suit. The plaintiff for the purpose of cautioning and protecting its rights on schedule B and C properties can very well resort to publication of public notice in the newspapers cautioning the public at large from dealing with schedule B and C properties with respect to which there is an order of temporary injunction in force till disposal of the suit. Hence, the plaintiff is required to workout other remedies available under law

and affixing a notice of grant of temporary injunction on the schedule properties is not desirable in the prevailing facts and circumstances of the case. Accordingly, I answer Point No.1 in the **Negative.**

9. POINT NO.2:- For the aforesaid reasons, I pass the following:

ORDER

I.A.No.4 filed by the plaintiff under Sec.151 of CPC is **is rejected.**

No order as to costs.

(Dictated to the Stenographer Grade-III, transcribed by her, corrected and then pronounced by me in open court on this the **23rd day of September, 2025**)

(ARJUN. S. MALLUR)
LXXXV Addl.City Civil & Sessions Judge,
Bengaluru.