

KABR010029252025



**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, BENGALURU RURAL DISTRICT,
BENGALURU.**

Present:

Smt.B.S. REKHA., B.A.(LAW), LL.M.
Principal District & Sessions Judge
Bengaluru Rural District,
Bengaluru.

Dated this the 04th day of April, 2026.

Civil Misc.No.86/2025

Petitioner:-

1. Raid Mahmood,
Managing Trustee,
Head Start Educational Trust,
A Public Charitable Trust,
having its offices at:
C.A.Site No.32(P),
16th Main, 4th Block,
Koramangala,
Bengaluru 560 034.

(By M/s Keystone Partners-Advocates)

-VERSUS-

Respondent:

1. K.N.Nagaraju,
S/o Narayana Reddy,
Aged about 44 years,
R/at Kommasandra Village,

Sarjapura Hobli,
Anekal Taluk.

(By Exparte)

ORDER

Petitioner has filed this petition under Section 24 r/w 151 of CPC praying for transfer of O.S.No.154/2017 on the file of Prl. Civil Judge & JMFC, Anekal, Rural District, Bengaluru to the Court of Prl. Senior Civil Judge & JMFC, Anekal, Rural District, Bengaluru in the interest of justice and equity.

2.1. The contention of petitioner is that the petitioner's Trust is the absolute and lawful owner of the suit schedule properties is running a school since from 2009 in the suit schedule properties and accommodates over 600 minor students, aged between 6-18 years along with nearly 120 staff members and a large number of whom are women. The respondent having no manner of right, title or interest attempting

to unlawfully interfere with the petitioners possession over the suit schedule properties on several occasions and dispossess the petitioner Trust from the schedule property. Thus, the petitioner filed O.S.No.154/2017 for perpetual injunction restraining the respondent and his men etc., from interfering with the petitioner's peaceful possession of the suit schedule property. On 12.04.2017, the petitioner got status quo order. After appearance of the respondent and filing written statement, the learned trial Court allowed petitioner's IA and passed an order of temporary injunction restraining the respondent from interfering with its possession over the suit schedule property. In the written statement the respondent has disputed the petitioner Trust title with respect to 25 guntas of land forming part of the schedule property. An issue was framed requiring the respondent to prove that suit was not maintainable in the absence of seeking declaratory

relief. There was no cloud on the title of the petitioner Trust over suit schedule property, at the time of filing the suit and hence, no relief of declaration was sought. Subsequently, the petitioner Trust filed application U/O VI rule 17 r/w S.151 of CPC to amend the plaint to insert the prayer of declaration. Though sufficient time was granted to file his objections, but he failed to do so.

2.2. As per Section 26(a) of the KCFSVA, 1958 states that a suit for injunction where relief sought is with reference to immovable property, and where the title of the plaintiff to the property is denied, or where an issue is framed regarding the plaintiff's title to the property, fee shall be computed on one-half of the market value of the property or rupees one thousand, whichever is higher. The market value of the schedule property is approximately ₹.4,96,00,000/- and

therefore, the original suit of the plaintiff would then be valued at ₹.2,48,00,000/-. This would in turn imply that the Principal Civil Judge will no longer have pecuniary jurisdiction over the suit and it falls outside the pecuniary jurisdiction of the Principal Civil Judge. Therefore, by virtue of Section 16 of the KCFSVA, 1964 it is the Senior Civil Judge who possess pecuniary jurisdiction over the suit and therefore, the suit ought to be transferred to Principal Senior Civil Judge.

2.3. The Petitioner Trust is currently protected by interim order issued by Principal Civil Judge on 01.12.2018. Should the Principal Civil Judge allow the application of the petitioner seeking to amend the plaint in the original suit to include the prayer for declaration concerning the disputed portion of the schedule property, the Court may constrain to return the plaint for want of pecuniary jurisdiction.

Consequently, this would vacate the interim protection afforded to the petitioner Trust and it would be compelled to present the amended plaint before the Principal Senior Civil Judge, who possesses the requisite pecuniary jurisdiction to entertain the suit. Hence, prays to allow the petition.

3. In response to the service of notice, the respondent has not appear before the Court and is placed *exparte*.

4. Heard arguments of the petitioner.

5. On the basis of the above pleadings, the points that arise for consideration are:

1. *Whether the petitioner is entitle for transfer of O.S.No.154/2017 on the file of Prl. Civil Judge & JMFC, Anekal, Rural District, Bengaluru to the Court of Prl. Senior Civil Judge, Anekal, Rural District, Bengaluru?*

2. *What order?*

6. Finding of this Court on the above points are as under:

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

Point No.2 : As per final order for the

following:

REASONS

7. **Point No.1:** On perusal of the records in O.S.No.154/2017, initially it is filed by the petitioner for the relief of permanent injunction against the respondent herein. According to the petitioner, there was no dispute as to the title of the petitioner. But, as the respondent has contended that suit for permanent injunction was not maintainable without seeking declaration of title, the trial Court framed an issue requiring the respondent to prove that the suit was not maintainable in the absence of seeking declaratory relief. As such the petitioner has filed an application

U/O VI rule 17 r/w 151 of CPC for amendment of the plaint in the original suit to insert the prayer seeking declaration in respect of the written statement schedule property. It is also his contention that the respondent was granted sufficient time to file his objections to the application, but failed to do so. On going through the records, no such material is forthcoming as to whether the said application was allowed or not. Moreover, the injunction granted by the trial Court at present is for permanent injunction suit. If the application filed by the petitioner were to be allowed and return the plaint, even then the petitioner can file necessary application before the proper forum and seek necessary reliefs on the basis of the their documents based on declaratory relief as well as for the relief of permanent injunction. Hence, at this stage, the petition filed by the petitioner cannot be allowed on the grounds urged. Accordingly, Point No.1 is answered ***in Negative***.

8. **Point No.2:-** In view of findings on Point No.1, this Court passes the following:-

O R D E R

The petition filed U/S.24 r/w S.151 of C.P.C by the petitioner is ***dismissed***.

Under facts and circumstances of the case, both parties are directed to bear their own costs.

(Dictated to the Stenographer Grade-I, transcribed by him, corrected, signed and pronounced by me in the open Court on this the 04th day of April, 2026)

(B.S.Rekha)

Prl. District & Sessions Judge,
Bengaluru Rural District,
Bengaluru.