

KABR310018162025



**IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE & J.M.F.C., AT DEVANAHALLI**

PRESENT

SRI. NATARAJ YADAV .S, M.B.A., LL.B.,

*Prl. Senior Civil Judge & J.M.F.C.,
Devanahalli.*

Dated this day of 02nd July, 2026

O.S.No.1450/2025

BETWEEN:

Sri. M.R. Seetharam : **Plaintiff**
S/o Late M.S. Ramaiah
Aged about 69 years,
R/at: No.8, Gokula
House, Dr. M.S. Ramaiah Main Road,
Gokula,
Bengaluru-560054

(Plt. - By Sri.B.S.R., Advocate)

AND:

Sri. Krishnappa : **Defendant**
S/o Sri. Appayyappa
Aged about 55 years,
R/at: Aklenahalli-
Mallenhalli Village,
Anneshwara Grama Panchayath,
Kasaba Hobli,



Devanahalli Taluk,
Bengaluru Rural District

(Deft,- By Sri. Y.S., Advocate)

PARTIES TO I.A. No.1

Applicant/ Plaintiff : M.R. Seetharam

-V/s-

Opponent/ Defendants : Krishnappa

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i	Provision under which the application is filed	under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908
ii	Relief sought for	Temporary injunction
iii	The date on which the application is filed	04-12-2025
iv	Number of the application	I.A.No. 1
v	Date of filing objection	29-04-2026
vi	Date of Pronouncement of Order	02-07-2026

Sd/-
(NATARAJ YADAV .S)
Prl. Senior Civil Judge & JMFC.,
Devanahalli.



ORDERS

NATURE OF THE APPLICATION

The present application was filed by the plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 seeking an order of temporary injunction restraining the defendant, his agents, servants, family members, supporters or any person claiming through or under him from raising any further unauthorized construction over the suit schedule B property pending disposal of the main suit.

BRIEF FACTS OF THE PLAINTIFF'S CASE

2.1 It was the case of the plaintiff that he was the absolute owner of the land bearing Old Survey No.37/1, New Survey No.37/1(P), measuring to an extent of 8 Acres, situated at Akkalenahalli Mallenahalli, Kasaba Hobli, Devanahalli Taluk, Bengaluru Rural District, which was morefully described in Schedule A of the plaint and was hereinafter referred to as the Schedule A property.

2.2 It was averred that the plaintiff had acquired the Schedule A property through a registered Memorandum of Confirmation of Oral Family Arrangement-cum-Partition dated 18.11.2005, registered as Document No.DNH-1-04097/2005-06, Book-I, stored in C.D. No.DNHD 68, registered in the office of the Sub-Registrar, Devanahalli, entered between Sri. M.R.Jayaram, Sri. M.R. Sampangiramaiah, Sri. M.R. Seetharam (the plaintiff herein), Sri.



M.R. Pattabhiram, Sri. M.R. Janakiram, Sri. M.R. Kodandaram, Sri. M.R. Anandaram, Smt. M.R. Prabavathy and Smt. M.R. Padmavathy, who were the children of Late M.S. Ramaiah, and that in the said Family Arrangement-cum-Partition, the Schedule A property was allotted to the share of the plaintiff.

2.3 It was further averred that after the said partition, the plaintiff got the revenue entries transferred in his name vide M.R. No.26/2005-06 and had been paying up-to-date taxes to the concerned authorities.

2.4 It was stated that from the date of partition, the plaintiff had been in peaceful possession and enjoyment of the Schedule A property by getting all the revenue records entered in his name. Thereafter, the plaintiff with the intention to develop the Schedule A property applied for conversion of the said land from agricultural to non-agricultural purpose and the Deputy Commissioner, Bengaluru Rural District, had converted the said land vide Order No.ALN(D)SR 58/91-92 and ALN(D)SR 270/91-92 dated 11.09.2007 from agricultural to non-agricultural purpose, following which the plaintiff had formed a layout in the Schedule A property.

2.5 It was the specific grievance of the plaintiff that on 07.04.2025, the defendant along with his ferocious followers attempted to remove the fencing and to burn the mango trees in a portion of the Schedule A property and tried to construct a



building illegally in a portion of the property bearing Survey No.37/1, Khatha No.99/29/1/37/1P, measuring East to West 75 feet and North to South 40 feet, totally measuring 3000 Square Feet, which was morefully described in Schedule B of the plaint and was hereinafter referred to as the Schedule B property.

2.6 It was further averred that at that time, the plaintiff's worker namely Sri. Narayanappa questioned the defendant and his followers about their illegal acts, whereupon the defendant and his followers started to quarrel and attempted to assault him. Immediately, Sri. Narayanappa called the plaintiff and informed him about the illegal acts of the defendant and his followers, and the plaintiff went to the site with the help of neighbours and stopped the illegal acts of the defendant. The plaintiff immediately lodged a complaint before the Station House Officer, Kempegowda International Airport Police Station on 08.04.2025 requesting them to take legal action and to stop the illegal construction work, following which the defendant stopped his illegal work and kept quiet for some time.

2.7 It was stated that thereafter the plaintiff came to know that the defendant had started to continue his illegal construction and on 02.05.2025 the plaintiff filed a complaint before the Executive Officer, Devanahalli Taluk Panchayath, Bengaluru Rural District, requesting them to stop the illegal construction since the defendant was trying to construct an illegal building on the property belonging to the plaintiff.



2.8 It was averred that on 09.05.2025 the Tahsildar, Devanahalli Taluk, wrote a letter to the Executive Officer directing him to take action against the persons who had created and fabricated duplicate Hakku Patra, since the land bearing Survey No.37 originally belonged to the Government and the same had already been granted in favour of Sri. M.S. Ramaiah. Thereafter on 09.06.2025 the Panchayath Development Officer, Anneshwara Village Panchayath, Kasaba Hobli, Devanahalli Taluk, issued an endorsement to the plaintiff directing him to file an appeal before the Executive Officer, Taluk Panchayath, Devanahalli.

2.9 It was further stated that on 18.06.2025 the plaintiff filed an Appeal in Dispute No.269/BEN/AMM/2025/0000031 before the Executive Officer Appellate Authority, Devanahalli Taluk Panchayath, Bengaluru Rural District. On 19.06.2025 the Executive Officer, Taluk Panchayath, Devanahalli Taluk, issued a Memorandum/Order directing the Panchayath Development Officer, Anneshwara Village Panchayath, Devanahalli Taluk, to take steps to stop further illegal construction over the disputed Schedule B property since the defendant had not obtained any license from the Village Panchayath and the said appeal was stated to be pending for consideration.

2.10 It was averred that as per the direction and order of the Executive Officer, Taluk Panchayath, Devanahalli Taluk, the Panchayath Development Officer on 17.07.2025 lodged a complaint before the Police Inspector, Kempegowda International



Airport Police Station, Devanahalli, requesting them to inspect the Schedule B property, to stop the illegal construction of the defendant and to take necessary legal action against the defendant. It was stated that though the plaintiff had made several correspondences with the officials and though the officials had directed the defendant to stop illegal construction over the Schedule B property, the defendant and his followers continued to put up further illegal construction over the suit schedule property.

2.11 It was the specific averment of the plaintiff that the defendant had no manner of right, title or interest over the Schedule B property and that the defendant was trying to put up illegal and unauthorized construction thereon, whereas the plaintiff was in physical possession and enjoyment of the Schedule A property as its absolute owner.

2.12 It was further averred that again on 10.11.2025 the defendant and his supporters came near the Schedule B property and tried to put up further illegal and unauthorized construction thereon. It was stated that they could not succeed in their illegal attempts due to the timely intervention of well-wishers and neighbours and left the Schedule B property. It was stated that while leaving, the defendant proclaimed that he would come again with more men and would at any cost complete the construction work and that in the event he was unable to do so, he would alienate or encumber the Schedule B property with the



sole intention of causing wrongful loss to the plaintiff. The plaintiff immediately lodged a complaint before the jurisdictional police, but the police did not take any action stating that the matter was civil in nature and advised the plaintiff to approach the civil court. It was under these circumstances that the present suit came to be filed.

OBJECTIONS AND CONTENTIONS OF THE DEFENDANT

3.1 The defendant filed his detailed written statement denying the averments made in the plaint. The material contentions of the defendant were as under.

3.2 It was submitted by the defendant that originally the land bearing Survey No.37 totally measured to an extent of 835.26 acres, out of which 85.22 acres/guntas was Kharab land and out of the Kharab land of 85 acres 22 guntas, an extent of 2 acres 20 guntas existed as New Gramatana vide order of the Assistant Commissioner, Doddaballapura Sub-Division, dated 16.08.1975 vide No.LND.SR.387/IP-3 and that based on the said order, the Assistant Director of Land Records, Sub-Division Doddaballapura, prepared a village map of New Gramatana in Survey No.37 vide order dated 21.09.1975 and Order No.139/35. It was contended that Survey No.37 measuring to an extent of 750 acres 04 guntas was purely government land and was never granted to anyone.

3.3 It was contended that in respect of the land bearing Survey No.37, no phodi durathi was done with respect to 750 acres 04



guntas and no new Survey Number was allotted and that the New Survey Number as stated in the plaint in Schedule A measuring to an extent of 8 acres was false and baseless and the said New Survey Number in the Schedule A suit property was illegally created. It was further contended that there were no title documents available for the Schedule A property and that the question of effecting partition by the plaintiff and his family members did not arise at all and that the 750 acres 04 guntas in Survey No.37 of Aklenahalli Village had been grabbed by the plaintiff by way of creating false documents.

3.4 It was submitted by the defendant that with respect to the land bearing Survey No.37 measuring to an extent of 2 acres 20 guntas, the defendant's father Muniyappa @ Appaianna S/o Erappa had constructed a tile roofed house in an extent of 80 x 80 feet and had been in possession of the same and that 32 persons had constructed their houses before 1978 and the Bettakote Gramapanchayath had maintained their account with regard to the houses constructed by the said persons including the defendant's father, and the said extract was reflected in Serial No.4 of Bettakote Gramapanchayath records and a house number was allotted as Henchina Mane roofed House No.4 in Serial No.4 of the said list, which was later renumbered as House No.11/11.

3.5 It was further submitted that after the demise of the defendant's father, the said House No.11/11 measuring to an



extent of 80 x 80 feet was transferred in the name of the defendant's younger brother's wife, one Lakshmamma W/o Hanumanthappa, and Form Nos.9 and 11 were issued in her name by the PDO of the present Anneshwara Gramapanchayath and that from 2014-15 till the date of filing the written statement, the khatha was continued in her name. It was stated that Lakshmamma had paid regular taxes to the government and was enjoying the absolute ownership of the said property and had received the Government benefit under Rajeev Gandhi Vasathi Yojane Scheme. It was also stated that Lakshmamma had mortgaged the said property and raised a mortgage loan vide Registered Document No.DNH-1-06366-2011-12 stored in CD No.DNHD252 dated 18.01.2012 before the Sub-Registrar, Devanahalli, and had obtained a license from Anneshwara Gramapanchayath and constructed a house, for which the said Anneshwara Gramapanchayath issued PID No.150300201900300100, and had also obtained free electricity connection under the Bhagya Jyothi Scheme.

3.6 It was submitted by the defendant that he was also in possession of the remaining extent of the property and had constructed a three floor building thereon and was in peaceful possession and enjoyment of the said property.

3.7 It was further submitted by the defendant that the plaintiff and his father had created forged documents to grab the government land in Survey No.37 measuring to an extent of 750



acres 04 guntas and that the defendant had made representations to all the Ministers, Government, President, E.O and CEO of Panchayath Raj Department, Tahsildar, Assistant Commissioner, Deputy Commissioner, Lokayutha and Gramapanchayath PDO regarding the creation of forged documents by the plaintiff to grab the government property. It was also submitted that the Lokayuktha had registered a case against the plaintiff in Compt/Lok/BD/1180(Bangalore)(R)(LOK)/2026 and the same was pending for consideration.

3.8 It was contended that the plaintiff had filed a false case against the plaintiff for the relief of permanent injunction in O.S. No.426/2025 and the said suit was stated to be pending for consideration.

3.9 It was specifically contended that the plaintiff in the prayer column of the plaint had sought for two prayers in the form of mandatory injunction and recovery of possession without filing a proper suit for recovery of possession and that the suit was therefore not maintainable. The defendant placed reliance on the judgment of the Hon'ble Karnataka High Court in Gangamma Vs. Puttaraveramma rendered on 01.04.2026 in RSA NO.1265/2016 wherein it was held that a mere suit for declaration without seeking for possession was not maintainable.



3.10 It was further contended that the Schedule A and B properties shown in the plaint did not belong to the plaintiff or to his father or his family members and that the partition deed mentioned in the plaint was a sham document and void document. It was also contended that the conversion order was obtained with active collusion with the revenue authorities and that one S.N. Ravikumar, a resident of Shettigere Village, had filed detailed objections to the BIAPPA Authority, Devanahalli, against the sanction of the approved plan sought by the plaintiff.

3.11 It was prayed by the defendant that the present suit be dismissed and the ad interim order of temporary injunction granted be vacated.

POINTS FOR CONSIDERATION

4. Upon hearing the learned counsels appearing for both the parties and upon careful perusal of the pleadings, documents, photographs, endorsements and other materials placed on record, the following points arose for consideration before this Court:

1: Whether the plaintiff had made out a prima facie case for grant of temporary injunction restraining the defendant and his family members including Lakshamma from raising any further unauthorized construction in the suit Schedule B property pending disposal of the suit?



2: Whether the balance of convenience lie in favour of the plaintiff and against the defendant?

3: Whether the plaintiff would suffer irreparable loss and injury if the injunction was not granted?

4: What order?

ANALYSIS AND FINDINGS

5. The principles governing the grant of temporary injunction were well settled. The applicant seeking temporary injunction was required to establish cumulatively the existence of a prima facie case, balance of convenience in his favour and likelihood of irreparable loss and injury if the injunction was refused. These three essential ingredients were considered and analyzed hereinbelow.

FINDINGS ON POINT NO.1: PRIMA FACIE CASE

6.1 Before proceeding to consider the question of prima facie case, it was relevant to observe and note the preliminary objection raised by the defendant regarding the maintainability of the suit on the ground that the plaintiff had sought for recovery of possession by way of mandatory injunction without filing a proper suit for recovery of possession. In this regard, the defendant had placed reliance on the judgment of the Hon'ble Karnataka High Court in Gangamma Vs. Puttaraveramma rendered on 01.04.2026 in RSA NO.1265/2016. However, upon a



careful perusal of the prayers sought in the plaint, it was found that the plaintiff had sought for permanent injunction and had also sought by way of mandatory injunction a direction to stop the ongoing illegal construction in the Schedule B property and to hand over the possession of the suit Schedule B property. It was found that by way of mandatory injunction, the plaintiff had essentially sought for recovery of possession and thus the judgment relied upon by the defendant was not applicable to the facts of the present case. Accordingly, the preliminary objection raised by the defendant regarding maintainability of the suit on this ground was not found to be tenable at this stage.

6.2 It was relevant to observe that from the documents placed on record by the plaintiff, it was found that no site had been granted in favor of father of defendant or any of the family members as alleged by the defendant. There was a clear endorsement by the Grama Panchayath that no Hakku Patra had been issued in the land bearing Survey Number 37. The land had been entered in favour of the plaintiff's father in the land bearing Survey Number 37 and no other grant had been made as per the endorsement letter made by the Tahsildar to the Executive Officer, Taluk Panchayath. The Grama Panchayath had also issued an endorsement that no license had been given for construction of any house in the land bearing Survey Number 37. Thus, from the documents placed on record, it was found that no Hakku Patra had been issued in favour of defendant's father as alleged by the



defendant and that no license had been issued for the construction of the house in the suit schedule property.

6.3 The documents placed on record by the plaintiff in the form of the partition deed, the revenue records and the record of rights clearly reflected that the Schedule A property was allotted to the share of the plaintiff and that the plaintiff was in possession of the Schedule A property. The documents placed on record by the defendant in the form of the grant list did not establish the grant of any site in favour of his father in the absence of Haku pathra which had not been placed on record by the defendant for reasons best known to him. The other documents placed on record by the defendant in the form of Form No.10 and the sketch of the Grama Panchayath, along with the mortgage made by the Lakshamma for construction under the Rajiv Gandhi Vasathi Yojane Scheme, were noted. However, from the documents placed on record by the plaintiff, it was found that no Haku Patra had been issued in favour of defendant's father L, and in the absence of any Haku Patra placed on record by the defendant, serious doubts were raised about the sanctioning of the site as alleged by the defendant in favour of defendant's father and the right has been flown in favor of defendant or Lakshamma at this stage.

6.4 Thus, at this stage, the plaintiff had been able to establish that the revenue entry was made in Survey Number 37 in his favour. Of course, no documents had been placed on record to



conclusively show that an actual encroachment had been made by the defendant within the exact boundaries of the suit schedule property. However, at this stage, there was a reasonable apprehension that the defendant was proceeding with raising illegal construction in the suit schedule property, which was causing great hardship and injustice to the plaintiff.

6.5 From the documents placed on record, it was found that the defendant along with his family members including Lakshamma, without having obtained a valid license from the competent authority, had raised multiple floors in the suit schedule property with the apparent intention of getting higher rents from the said construction. It was found from the photographs placed on record that the defendant had already raised four floors in the suit schedule property without having obtained a valid license from the competent authority. In case the defendant was permitted to proceed with raising additional floors without any license, it would be difficult for the plaintiff to get the said unauthorized construction demolished and to take possession of the suit schedule property.

6.6 It was also found that the Google Map filed by the plaintiff was not an authentic document in the strict sense. However, it clearly reflected that the boundaries of suit property furnished in the plaint appeared to tally with the Google Map. However, it was found that what the exact boundaries of the suit schedule property were had to be ascertained only during the course of the



trial and could not be decided conclusively at this interlocutory stage.

6.7 At this stage, it was found that no grant had been made in Survey Number 37 in favour of the defendant or his family member Lakshamma and that defendant's family members including Lakshamma was, without having obtained any valid license, trying to construct over the disputed suit schedule property.

6.8 In view of the aforesaid discussion, this Court was satisfied that the plaintiff had made out a prima facie case for grant of temporary injunction restraining the defendant and his family members including Lakshamma from raising any further unauthorized construction in the suit schedule B property pending disposal of the suit. Point No.1 was accordingly answered in the AFFIRMATIVE and in favour of the plaintiff.

FINDINGS ON POINT NO.2: BALANCE OF CONVENIENCE

7.1 From the photographs and documents placed on record, it was found that the defendant and his family members including Lakshammahad already raised four floors in the suit schedule property without having obtained a valid license from the competent authority and that the majority of the work of the fourth floor had already been completed.



7.2 It was found that if the defendant and his family members were restrained from even getting the work of the fourth floor finished, it might cause great hardship and injustice to the defendant since the defendant appeared to have made a substantial investment in the construction and the majority of the work of the fourth floor had already been completed. Accordingly, it was found that the defendant and Lakshmamma were required to be permitted to get the work of the fourth floor finished.

7.3 However, it was found that if the defendant and Lakshmamma were permitted to go on raising any further construction beyond the fourth floor without any valid license from the competent authority in the suit schedule property, it would cause irreversible hardship and prejudice to the plaintiff and it would be extremely difficult for the plaintiff to get the entire unauthorized construction demolished even if he succeeded in the suit.

7.4 Thus, the balance of convenience was found to lie in favour of the plaintiff to the extent that the defendant and Lakshmamma were required to be restrained from raising any further additional floor in the suit schedule property beyond the fourth floor till the disposal of the suit.

7.5 Point No.2 was accordingly answered in the AFFIRMATIVE and in favour of the plaintiff to the aforesaid limited extent.

FINDINGS ON POINT NO.3: IRREPARABLE LOSS AND INJURY



8.1 It was found that if the defendant and Lakshamma were permitted to go on raising further construction floors without any valid license in the suit schedule property till the disposal of the suit, it would be extremely difficult for the plaintiff to get the entire unauthorized construction demolished even if he succeeded in the suit.

8.2 It was further found that the creation of further unauthorized construction would cloud the title of the suit schedule property and would make it extremely difficult for the plaintiff to take possession of the suit schedule property even if he succeeded in the suit.

8.3 Such hardship and prejudice to the plaintiff could not be adequately compensated in terms of monetary damages and would therefore constitute irreparable loss and injury to the plaintiff.

8.4 At this juncture, it was relevant to advert to the specific contention raised on behalf of the defendant that the defendant and Lakshamma had been in possession of the suit schedule property and had been raising construction thereon and that restraining them from raising further construction would cause great hardship and prejudice to them. However, this contention was not found to be tenable for the following reasons.

8.5 It was found from the endorsement issued by the Grama Panchayath that no license whatsoever had been issued by the



competent authority in favour of the defendant or Lakshamma for construction of any building in the land bearing Survey Number 37. It was further found from the endorsement issued by the Tahsildar to the Executive Officer, Grama Panchayath, that no Haku Patra had been issued in favour of Lakshamma as alleged by the defendant and that no other grant had been made in the land bearing Survey Number 37 except in favour of the plaintiff's father Sri. M.S. Ramaiah as noted above.

8.6 It was thus found that the defendant and Lakshamma had proceeded with raising construction in the suit schedule property without having obtained any valid license from the competent authority and without having any legal authority or sanction whatsoever to raise such construction. The construction that was being raised by the defendant and Lakshamma in the suit schedule property was therefore found to be wholly unauthorized, illegal and contrary to law at this stage.

8.7 It was a well settled principle of law that a person who approached the Court seeking equity must himself come with clean hands and must himself have acted in accordance with law and equity. It was equally well settled that a person who had acted in flagrant violation of law and had created an illegal and unauthorized structure could not turn around and claim equity in his favour on the ground that he had made investment in such illegal and unauthorized construction. A wrongdoer could not be permitted to take advantage of his own wrong and to use his own



illegal act as a shield to resist the legitimate claim of the rightful owner.

8.8 In the present case, the defendant and Lakshmamma had proceeded with raising multi-floor construction in the suit schedule property without obtaining any valid license from the competent authority and without having any legal sanction or authority whatsoever to raise such construction. The defendant and Lakshmamma had therefore acted in flagrant violation of law and could not be heard to contend that they had equity in their favour or that restraining them from raising further construction would cause hardship and prejudice to them.

8.9 It was found that a person who had raised unauthorized and illegal construction without obtaining a valid license from the competent authority had no equity whatsoever to claim that he should be permitted to continue raising such unauthorized and illegal construction. The law did not permit and equity did not favour a wrongdoer who had acted in violation of law and without any legal sanction or authority from continuing such illegal and unauthorized activity under the guise of claiming hardship.

8.10 It was further found that permitting the defendant and Lakshmamma to continue raising further unauthorized construction without any valid license in the suit schedule property would amount to this Court putting its seal of approval on an illegal and unauthorized act and would be contrary to the



settled principles of law and equity. This Court could not be a party to permitting continuation of an illegal and unauthorized act and could not extend its equitable jurisdiction to protect a party who had acted in flagrant violation of law.

8.11 In view of the aforesaid, it was held that the defendant and Lakshamma, having raised construction in the suit schedule property without obtaining any valid license from the competent authority, had no equity whatsoever to claim that they should be permitted to raise further construction in the suit schedule property. They could not claim any protection from this Court on the ground of hardship caused by restraint of their own illegal and unauthorized act. The plaintiff, on the other hand, who had prima facie established his title and ownership over the suit schedule property through revenue records, partition deed and the endorsements issued by the competent authorities, was found to be entitled to the protection of this Court.

8.12 Thus, it was found that if the defendant and Lakshamma were permitted to continue raising further unauthorized construction without any valid license in the suit schedule property, it would cause irreparable loss and injury to the plaintiff which could not be adequately compensated in terms of monetary damages. The creation of further unauthorized construction would not only cloud the title of the suit schedule property but would also make it extremely difficult and



cumbersome for the plaintiff to obtain possession of the suit schedule property even if he ultimately succeeded in the suit.

8.13 Point No.3 was accordingly answered in the AFFIRMATIVE and in favour of the plaintiff.

FINDINGS ON POINT NO.4 AND FINAL ORDER

9. In view of the findings recorded on Point Nos.1, 2 and 3 hereinabove, the present application was found to be deserving of being allowed. Consequently, I proceed to pass the following;

ORDER

The application filed by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, was hereby allowed.

(i) The defendant, his agents, servants, supporters, family members and Lakshamma W/o Hanumanthappa and any person claiming through or under them were hereby restrained from raising any further additional construction beyond the fourth floor already constructed in the suit Schedule B property till the disposal of the suit.

(ii) However, the defendant and Lakshamma were permitted to get the finishing work of the fourth floor completed since the majority of the work of the fourth floor was already found to have been completed and restraining the same would cause disproportionate hardship to them.



(iii) The observations and findings made in this order were only for the limited and specific purpose of deciding the present interlocutory application and shall not prejudice, influence or affect the final adjudication and decision of the suit on merits.

No order as to costs.

Issues framed and read over in open court. For L/W or L/D and for P/E on 13.7.2026

(Dictated to the Stenographer on computer, typed by her, revised, corrected and then pronounced by me in the open Court on this the 02nd day of July, 2026.)

Sd/-
(NATARAJ YADAV .S)
Prl. Senior Civil Judge & JMFC.,
Devanahalli.