



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

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

WRIT PETITION NO. 729 OF 2026 (GM-CPC)

BETWEEN:

M/S VINIR ENGINEERING LTD
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT 1956
HAVING OFFICE AT NO. 102-104
BOMMASANDRA INDUSTRIAL AREA,
ATTIBELE HOBLI, ANEKAL TALUK,
BENGALURU - 560 099.
REPRESENTED BY ITS
AUTHORIZED SIGNATORY
MR. NARASIMHA KERUR.



...PETITIONER

(BY SRI. MAHESH ARKALGUD SRIKANTH, ADVOCATE)

AND:

M/S OMKAR ENGINEERING AND
FABRICATION FIRMS
A PARTNERSHIP FIRM,
HAVING OFFICE AT,
NO. 3, 86/3, SREE RAMA REDDY BUILDING,



OPPOSITE L AND T, HEBBAGODI,
ATTIBELE HOBLI,
ANEKAL TALUK,
BENGALURU - 560 099
(REPRESENTED BY ITS PARTNERS)

ALSO AT,
INDUSTRIAL PLOT NOS. 90 AND 91
BOMMASANDRA INDUSTRIAL AREA,
ATTIBELE HOBLI,
ANEKAL TALUK,
BENGALURU - 560 099.

...RESPONDENT

(BY SRI. P.N.RAJESHWAR, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 1.8.2025 (ANNEXURE - A) PASSED BY THE PRINCIPAL SENIOR CIVIL JUDGE AND JMFC AT ANEKAL IN M.A. NO.35/2024 BY ISSUING A WRIT OF CERTIORARI OR ANY OTHER ORDER OR WRIT AND CONSEQUENTLY UPHOLD THE ORDER DATED 24.04.2024 PASSED BY THE HON'BLE CIVIL JUDGE ANEKAL ON I.A. NO.1 IN O.S. NO. 5/2024.

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

In this petition, the petitioner seeks the following reliefs :

"a) Set aside the impugned order dated 1.8.2025 (Annexure-A) passed by the Principal Senior Civil Judge and JMFC at Anekal in M.A.No.35/2024 by issuing a writ of certiorari or any other order or writ and consequently uphold the order dated 24.04.2024 passed by the Hon'ble Civil Judge, Anekal on I.A.No.1 in O.S.No.5/2024 (Annexure-E).

b) Pass any such other order/s that this Hon'ble Court deems fit."

2. Heard the learned counsel for both parties 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 respondent/defendant for permanent injunction and other reliefs in relation to the suit schedule immovable property. Along with the suit, the petitioner/plaintiff filed an application -IA.No.1 for temporary injunction, which was contested by the respondent/defendant, the trial Court by the order dated 24.04.2024, passed an order of temporary injunction in favour of the petitioner/plaintiff against the respondent/defendant.



4. Aggrieved by the said order passed by the trial Court, the respondent approached the first Appellate Court in M.A.No.35/2024, which was allowed by the first Appellate Court, vide impugned order dated 01.08.2025 by holding as hereunder :

"The appeal filed by the appellant/defendant U/o 43 Rule 1(r) of CPC is hereby allowed with cost.

Consequently the impugned order dated 24.04.2024 on IA No.1 U/o 39 Rule 1 & 2 of CPC in OS No.5/2024 on the file of learned III Addl.Civil Judge & JMFC, Anekal is hereby set aside.

IA No.1 filed by the plaintiff/respondent U/o 39 Rule 1 & 2 R/w. Sec.151 of CPC in OS No.5/2024 on the file of learned III Addl.Civil Judge & JMFC, Anekal is hereby rejected.

It is made clear that the appellant/defendant is not entitle to claim equity before the Trial Court as well as before the KIADB Board.

Further it is made clear that this order will not come in the way to take appropriate steps by KIADB against the defendant.

Office to send copy of the judgment to the Trial Court forthwith."

5. As can be seen impugned order, the first Appellate Court has taken into account the subsequent event that had transpired during the pendency of the suit, by which, the KIADB which had allotted the suit schedule property in favour of the respondent/defendant had issued notice to the respondent alleging



illegal and unauthorised construction by violation of the sanctioned plan and accordingly safeguarded/protected the interest of the petitioner by directing that the respondent shall not be entitled to claim any equity either before the trial Court or before the KIADB and also by directing that the impugned order will not come in the way of the KIADB to take appropriate legal action against the respondent.

6. Under these circumstances, though several contentions have been urged by both sides in support of their respective claims, since there are various contentious issues and disputed questions of law and facts, which would necessarily have to be decided by the trial Court only after a full-fledged trial, I deem it just and appropriate to dispose of this petition, directing the trial Court to dispose of the suit in accordance with law on merits within a period of one year from the date of copy of this order without being influenced by the findings and observations recorded in the order of the trial Court, as well as in the impugned order passed by the first Appellate Court.



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

Subject to the aforesaid directions, the petition stands ***disposed of.***

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

BK
List No.: 2 SI No.: 20