



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

MISCELLANEOUS FIRST APPEAL NO.231 OF 2026 (CPC)

C/W

MISCELLANEOUS FIRST APPEAL NO.232 OF 2026 (CPC)

IN MFA NO.231/2026

BETWEEN:

1. SRI UDAYA KUMAR A
AGED ABOUT 58 YEARS,
S/O LATE SRI K ANJANAPPA
RESIDING AT 37, CHANNAPPA LAYOUT,
BEHIND RAGHAVENDRA TEMPLE,
2ND MAIN, SHARADAMBA NAGARA,
JALA HALLI, BENGALURU -560 013.
2. SMT. ANJINAMMA
AGED ABOUT 93 YEARS
W/O. LATE K RAMAIAH
RESIDING AT NO.123,
GRAPE GARDEN,
SRI NILAYA SHARADAMBA NAGAR,
JALAHALLI, BENGALURU-560013.
3. SMT. PARVATHAMMA
AGED ABOUT 69 YEARS,
D/O. LATE. K RAMAIAH
W/O. LATE. GANGARAJU
RESIDING AT NO.57,
GANIGARAHALLI,
BANGALORE NORTH,
CHIKKABANAVARA,
BENGALURU-560090.





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4. SRI. R. ASHOKA,
AGED ABOUT 68 YEARS
S/O. LATE. R RAMAIAH
RESIDING AT NO.123,
GRAPE GARDEN,
SRI NILAYA SHARADAMBA NAGAR,
JALAHALLI, BENGALURU-560013.
5. SMT. KEMPAMMA N
AGED ABOUT 75 YEARS
W/O. LATE K ANJINAPPA
RESIDING AT NO. 15,
2ND MAIN,
BEHIND HMT GROUND
SHARADAMBA NAGAR,
JALAHALLI VILLAGE
BENGALURU-560013.
6. SRI. A. RAVI
AGED ABOUT 65 YEARS
S/O. LATE. K ANJINAPPA
RESIDING AT NO. 86,
SONNAPPANAHALLI VILLAGE,
KNS CONVENTION CENTRE,
JALA HOBLI, BENGALURU-562157.
7. SMT. A. VIJAYA
AGED ABOUT 63 YEARS
D/O. LATE. K ANJINAPPA
W/O. SRI. R ASWATH
RESIDING AT NO. 103,
14TH MAIN ROAD
1ST BLOCK, BESCOM,
VIDYARANYAPURA,
HMT LAYOUT,
BENGALURU-560097.
8. SRI. KEMPARAJA
AGED ABOUT 60 YEARS
S/O. LATE. K ANJINAPPA
RESIDING AT NO. 16/1,



2ND MAIN,
BEHIND HMT GROUND
SHARADAMBA NAGAR,
JALAHALLI VILLAGE
BENGALURU -560013.

9. SRI. ASWATH NARAYANA
AGED ABOUT 55 YEARS
S/O. LATE. AKKIYAPPA
RESIDING AT NO. 38,
CHENNAPPA LAYOUT
SHARADAMBA NAGAR,
JALAHALLI VILLAGE,
BEHIND HMT GROUND
BENGALURU-560013.
10. SMT. BINDU.A.
AGED ABOUT 49 YEARS,
D/O. LATE. AKKIYAPPA
W/O. SRI. J S KRISHNA MURTHY
RESIDING AT NO. 712, 11TH CROSS,
7TH MAIN MES ROAD,
MUTYALANAGAR,
BENGALURU-560054.
11. SMT. SHANTHAMMA
AGED ABOUT 69 YEARS,
W/O. LATE. K KRISHNAMURTHAPPA.
RESIDING AT NO. 57, 12TH MAIN,
1ST BLOCK HMT LAYOUT,
VIDYARANYAPURA,
BENGALURU-560097.
12. SRI. RAM JALAHALLI KRISHNAMURTHAPPA
AGED ABOUT 48 YEARS,
S/O. LATE. K KRISHNAMURTHAPPA,
RESIDING AT NO. 57, 12TH MAIN,
1ST BLOCK, HMT LAYOUT,
VIDYARANYAPURA
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13. SRI. SHYAM.J.K.,
AGED ABOUT 48 YEARS
S/O. LATE. K KRISHNAMURTHAPPA
RESIDING AT NO.57, 12TH MAIN,
1ST BLOCK, HMT LAYOUT,
VIDYARANYAPURA,
BENGALURU-560097.
14. SRI. VIVEK KRISHNAMURTHAPPA JALAHALLI
AGED ABOUT 45 YEARS
S/O. LATE. K KRISHNAMURTHAPPA
RESIDING AT NO. 57,
12TH MAIN, 1 BLOCK
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APPELLANTS NO. 2 TO 14 ARE
REPRESENTED THEIR GPA HOLDER,
APPELLANT NO. 1

...APPELLANTS

(BY SRI. M.S.SHYAMSUNDAR, SENIOR ADVOCATE FOR
SMT. VANDANA P.L., ADVOCATE)

AND:

1. SRI K N VASANTHAPPA
AGED ABOUT 70 YEARS,
S/O. LATE SRI NANJUNDAPPA,
RESIDING AT, GANGABHAVANI ROAD,
KODIGEHALI, SAHAKARANAGARA POST,
BENGALURU-560 092.
2. SRI. NARAYANA.M.B,
AGED ABOUT 63 YEARS,
S/O. LATE SRI MARAPPA,
RESIDING AT GAS GODDEN ROAD,
SIR MV LAYOUT,
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3. SRI. GOPAL.M.B,
AGED ABOUT 59 YEARS,
S/O. LATE SRI MARAPPA,
RESIDING AT KEMPEGOWDA ROAD,
KODIGEHALI VILLAGE,
SAHAKARANAGARA POST,
BENGALURU-560092
4. SRI. RAJANNA
AGED ABOUT 65 YEARS,
S/O. LATE SRI HANUMAPPA,
RESIDING AT NAGSHETTI HALLI VILLAGE,
NAGASHETTIHALLI POST,
SANJYANAGARA,
BENGALURU-560 094.
5. SMT. B. VANAIAKSHI
AGED ABOUT 70 YEARS,
W/O. SRI B SANTHARAM,
RESIDING AT NO. 2/224,
III ROAD, NEW TOWN,
ANATHAPURA,
ANDHRA PRADESHA-515001
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AGED ABOUT 21 YEARS,
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9. SRI. K. BABU RAJU
AGED ABOUT 56 YEARS,
S/O. SRI K RAMAKRISHNAMA RAJU,
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AGED ABOUT 70 YEARS,
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RESIDING AT NO.1, WHISPER VALLEY,
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ANDHRA PRADESHA.
11. SRI PRASHANTH GOWDA
AGED ABOUT 50 YEARS,
S/O. NOT KNOWN TO THE PLAINTIFF,
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RAJIVA GANDHI NAGARA,
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SAHAKARAGARA POST,
BENGALURU-560 0092.

...RESPONDENTS

(BY SRI. S. NAGESH, ADVOCATE FOR C/R9 AND R10;
VIDE COURT ORDER DATED 10.02.2026,
NOTICE TO R1 TO R8 AND R11 DISPENSED WITH.)



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...RESPONDENTS

(BY SRI. S.NAGESH, ADVOCATE FOR C/R9 AND R10;
VIDE COURT ORDER DATED 10.02.2026,
NOTICE TO R1 TO R8 AND R11 DISPENSED WITH.)

THESE MISCELLANEOUS FIRST APPEALS ARE FILED
UNDER ORDER 43 RULE 1(r) OF THE CODE OF CIVIL
PROCEDURE, 1908.

THESE MISCELLANEOUS FIRST APPEALS HAVING BEEN
HEARD AND RESERVED FOR ORDERS ON 10.02.2026, THIS
DAY, A JUDGMENT IS PRONOUNCED AS UNDER:



ORAL JUDGMENT

Sri.M.S.Shyam Sundar, Senior counsel on behalf of Smt.Vandana. P.L., for the appellants and Sri.C.Nagesh, counsel for caveator/ respondents 9 and 10, appeared in person.

2. These appeals are filed to set aside the order dated the 3rd day of January 2026, passed by the Court of XXXIX Additional City Civil and Session Judge (CCH-40) Bengaluru City on I.A.Nos.1 and 2 in O.S.No.8456/2025.

3. As these appeals are filed under Order 43, the scope of inquiry is limited only to the impugned order arising from the interlocutory application, and does not extend to the merits of the main suit.

4. For convenience's the parties shall be referred to as per their status and ranking before the Trial Court.

5. The plaintiffs filed a suit seeking certain relief. They also filed an applications under Order XXXIX, Rules 1 and 2 of CPC for an order of temporary injunction restraining the defendants, their men, servants, agents, administrators,



assignees, etc., or any other persons claiming through or under them, in anyway interfering or dispossessing the plaintiffs from the schedule property and also sought an injunction restraining the defendants, their men, servants, agents, administrators, assignees etc., or any persons claiming through or under them from creating any third-party interest or further encumbrances or attempting alienate or further transfer the schedule property or portions thereof and grant such other reliefs. The Trial Court allowed I.A.No.1 on 02.12.2025, granting a temporary injunction as prayed for in I.A.No.1 till the next date of hearing. The Court issued notice of the order on I.A.No.1 and suit summons to defendants 1 to 11 through Court and speed post if P.F. and speed post cover is furnished. The plaintiffs were also directed comply the mandatory provisions of order 39 Rule 3 of CPC on I.A.No.1 returnable by 27.01.2026.

As there was no order was passed on I.A.No.2, the plaintiffs filed advance application to hear I.A.No.2. Defendants 9 and 10 entered an appearance, and the matter was reserved for orders on I.A.No.2. Defendants 9 and 10 filed a written statement and notably adopted the contents of the written statement as objections to the temporary injunction



application. The Trial Court ordered maintenance of the status quo on 09.12.2025. Ultimately, the Trial Court vide order dated 03.01.2026 dismissed the applications and vacated the previous protections. Under these circumstances, these appeals are filed on several grounds as set out in the memorandum of appeal.

6. Counsel for the respective parties presented several contentions.

Sri.Shyam Sundar, senior counsel, in presenting his arguments, strenuously urged that the Trial Court erred in dismissing the applications at the instance of defendants 9 and 10. He argued by saying that the suit summons and the notice of the application are awaited by other defendants; however, the Trial Court hurriedly dismissed the applications.

By way of reply to this contention, counsel Sri.Nagesh submits that defendants Nos.9 and 10 are the purchasers; the presence of the other defendants is not essential for the effective adjudication of this matter. Hence, they are not necessary parties. He argued by saying that the land in question comes under the BBMP area, and it is not agricultural



land. Defendant No.9 has filed a suit in O.S.No.6804/2025, and defendant No.10 has filed a suit in O.S.No.5618/2025 for an injunction, and both suits are pending adjudication. Urging other contentions, he justified the order of the Trial Court and prayed for the dismissal of the appeals.

7. Heard the arguments and perused the papers with care.

8. Bearing in mind that the scope of inquiry is restricted solely to the impugned interlocutory orders, the issue for consideration is limited to whether the Trial Court was justified in dismissing the applications at the instance of a few defendants, even while service of notice upon other defendants was still awaited and not deemed complete. The Trial Court dismissed the temporary injunction applications based solely on the arguments/objections raised by defendants 9 and 10. It is my considered view that the Trial Court's dismissal of the injunction applications, predicated only on the contention of defendants 9 and 10, is legally unsustainable. The reason is simple and plain. The Trial Court erred in law by vacating the temporary injunction at the instance of only two defendants,



ignoring that the injunction was intended to restrain all defendants from dealing with the suit property, effectively leaving the property vulnerable to alienation by the unserved defendants. The injunction operates against the *action*, not just the person. The dismissal of the injunction applications at the behest of only two defendants (9 & 10) constitutes an error of law. It can be said that the lifting of an injunction order was premature, as some of the defendants were unserved. The injunction is still valid against the unserved defendants, and vacating it for two defendants creates a chaotic situation where part of the injunction is lifted while the rest remains in place. I may venture to say that the Trial Court fell into a jurisdictional error by lifting the interim protection when the suit was not fully ripe for such relief, as other defendants were yet to be served. The Court cannot, in piecemeal fashion, dismantle an interim protection necessary for preserving the *status quo*. The impugned order is contrary to the settled principles of equity, as the balance of convenience heavily tilted in favor of the applicant/plaintiffs. By vacating the order, the Trial Court permitted the two defendants to cause irreparable damage to



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the subject matter of the suit. The impugned order is perverse and is liable to be set aside.

9. Although counsel for defendants 9 and 10 has argued the merits at length, this Court will confine itself to testing the legality and propriety of the impugned interlocutory orders, as noted earlier.

10. For the foregoing reasons, the order dated the 3rd day of January 2026, passed by the Court of XXXIX Additional City Civil and Session Judge (CCH-40) Bengaluru City on I.A.Nos.1 and 2 in O.S.No.8456/2025 is set aside.

11. Resultantly, the appeals are ***allowed***.

Sd/-
(JYOTI M)
JUDGE

MRP
List No.1 Sl. No.2