



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD**

**WRIT PETITION NO. 9177 OF 2026 (GM-CPC)**

**BETWEEN:**

SRI. A. MANJU  
S/O LATE ANNEGOWDA  
AGED ABOUT 68 YEARS  
RESIDING AT HANYALU VILLAGE  
RAMANATHAPURA HOBLI  
ARAKALAGOODU TALUK  
HASSAN DISTRICT-573 102

...PETITIONER

(BY SRI. M.R. VIJAYA KUMAR, ADVOCATE)

**AND:**

SMT. ARUNA H  
D/O LATE HANUMANTHARAYAPPA  
AGED ABOUT 38 YEARS  
RESIDING AT OLD NO. 133  
NEW NO.56, MLA LAYOUT  
RMV 2<sup>ND</sup> STAGE  
LOTTEGOLLAHALLI VILLAGE  
BENGALURU-560 094

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 03/03/2026 PASSED BY THE XXIX ADDL. CITY CIVIL AND SESSIONS JUDGE BENGALURU IN O.S NO.5331/2020 PRODUCED AT ANNEXURE-G AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:





CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

**ORAL ORDER**

This writ petition is filed by the defendant under Article 227 of the Constitution of India, challenging the order dated 03.03.2026 passed on I.A.No.X in O.S. No.5331/2020 by the XXIX Additional City Civil and Sessions Judge, Bengaluru, whereby the application filed by the defendant under Order I Rule 10 of the Code of Civil Procedure seeking to implead the Bangalore Development Authority as an additional defendant has been rejected.

2. The respondent/plaintiff filed a suit in O.S. No.5331/2020 for bare injunction against the petitioner/defendant. Upon service of summons, the petitioner/defendant appeared through counsel. On the basis of the pleadings of the parties, the trial Court has framed the following issues:

*"1. Whether plaintiff proves that plaintiff is in possession of the suit property?"*



*2. Whether plaintiff proves that defendant is interfering with peaceful possession of the suit schedule property?*

*3. Whether plaintiff is entitled for injunction restraining the defendants from interference with the suit schedule property?*

*4. What order or decree?"*

3. After completion of the respondent/plaintiff's evidence, the petitioner/defendant filed the present application under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, seeking to implead the Bangalore Development Authority as an additional defendant.

4. Learned counsel for the petitioner/defendant contended that the petitioner's title can be traced to the Bangalore Development Authority and that it is a necessary and proper party to the proceedings. However, the trial Court, without properly considering this aspect, dismissed the application.



5. Heard the learned counsel for the petitioner.  
Perused the writ petition papers.

6. The suit is one for bare injunction. The trial Court has already framed the issues. It is for the respondent/plaintiff to establish his possession over the suit schedule property. The burden also lies on the respondent/plaintiff to prove that the petitioner/defendant is interfering with his peaceful possession of the suit schedule property. Therefore, the Bangalore Development Authority is neither a necessary nor a proper party to the suit.

7. In a suit for injunction, the plaintiff being dominus litis cannot be compelled to implead any third party as a party to the suit. The trial Court, having considered these aspects, has rightly rejected the application filed by the petitioner/defendant. There is no error or illegality in the order passed by the trial Court warranting interference under Article 227 of the Constitution of India.



Accordingly, the writ petition is dismissed.

At this stage, learned counsel for the petitioner/defendant submits that an order of injunction is operating against the petitioner. It is further submitted that an application under Order XXXIX Rule 4 of the Code of Civil Procedure has been filed and is pending consideration before the trial Court, and a direction may be issued for its early disposal.

In view of the above, the trial Court is directed to dispose of the application filed by the petitioner under Order XXXIX Rule 4 of the Code of Civil Procedure, in accordance with law, as expeditiously as possible, and in any event not later than the end of April 2026.

**Sd/-**  
**(H.T. NARENDRA PRASAD)**  
**JUDGE**

CM  
List No.: 1 Sl No.: 41