



NC: 2025:KHC:43819
WP No. 11467 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 31ST DAY OF OCTOBER, 2025
BEFORE
THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY
WRIT PETITION NO. 11467 OF 2024 (GM-CPC)

BETWEEN:

1. S.M. SRIDHARA
S/O LATE MADAPPA,
AGED ABOUT 75 YEARS.
2. MALLIGEMMA
W/O S M SRIDHARA
AGED ABOUT 65 YEARS.
3. MANGALAMMA
D/O S M SRIDHARA,
AGED ABOUT 45 YEARS.
4. SHOBHA
D/O MANGALAMMA
AGED ABOUT 32 YEARS.
5. NAGAMMA
D/O MANGALAMMA,
AGED ABOUT 30 YEARS.

ALL THE PETITIONERS ARE
R/AT WEST OF VIDHYANAGARA
DEVEERAMMANAHALLI BADAVANE
(DEVEERAMMANAHALLI GATE)
BENGALURU NILIGERE ROAD
NANJANGUD - 571 118.

...PETITIONERS

(BY SRI MAHESHCHANDRA B.N, ADV.)

AND:

N.J. THEJOKARA
S/O R. JAVAREGOWDA
AGED ABOUT 45 YEARS

Digitally signed
by NANDINI M
S
Location: HIGH
COURT OF
KARNATAKA



8TH CROSS, R.P. ROAD
NANJANGUD TOWN - 571 118.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SETTING ASIDE THE ORDER DTD 24.05.24 PASSED BY I ADDL. CIVIL JUDGE AND JMFC, NANJANGUD ON IA NO. 1 IN OS 179/22 PRODUCED AT ANNEXURE-E.

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

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

1. Defendants are before this Court in this writ petition filed under Article 227 of the Constitution of India with a prayer to set-aside the order dated 24.05.2023 passed on IA No.1 in OS No.179/2022 by the Court of I Additional Civil Judge and JMFC, Nanjanagudu and the order dated 05.03.2024 passed in MA No.14/2023 by the Court of Senior Civil Judge and JMFC, Nanjangudu.

2. Heard the learned counsel for the petitioners.

3. Respondent herein has filed OS No.179/2022 before the jurisdictional Civil Court at Nanjanagudu seeking the relief of permanent injunction restraining the defendants or anybody claiming under them from interfering with the peaceful



possession and enjoyment of the suit schedule property in any manner except under due process of law. It is the case of the plaintiff that suit schedule property was leased in his favour by the defendants and in the said premises, he is running a stationery business for which he also has got a Trade License issued by the local body. He has alleged that defendants were trying to forcibly dispossess him from the suit schedule property and accordingly, had approached the jurisdictional Civil Court in OS No.179/2022. In the said suit, defendants have filed a written statement opposing the suit claim. IA No.1 was filed on behalf of the plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of CPC seeking an order of temporary injunction during the pendency of the suit. The said application was opposed by the defendants, who had requested the Trial Court to consider their written statement as objections to IA No.1. The Trial Court vide the order dated 24.05.2023 has allowed IA No.1 filed in OS No.179/2022 and the said order has been confirmed by the Appellate Court in MA No.14/2023, which was rejected on 05.03.2024. It is under these circumstances, the defendants are before this Court.



4. Learned counsel for the petitioners having reiterated the grounds urged in the petition submits that the plaintiff had failed to produce necessary documents before the Court to show that he was in actual possession of the suit schedule property. He submits that plaintiff had surrendered the suit schedule property to the defendants much prior to he instituting the suit and for extraneous reasons, the suit is filed.

5. Perusal of the material on record would go to show that undisputedly the defendants are the owners of the suit schedule property and the said property was leased to the plaintiff under two separate lease deeds dated 22.05.2003 and 16.07.2008 respectively. According to the plaintiff, he is running a stationery shop in the suit schedule property and in support of his contention, he has produced the Trade Licence issued in his favour by the local body for running the stationery shop. The said Trade Licence is of the year 2017. The same would *prima facie* show that the plaintiff, who was put in possession of the suit schedule property under the aforesaid Deeds dated 22.05.2003 and 16.07.2008 had continued his possession of the property even after expiry of the period of



lease and was carrying on the business of stationery items in the suit schedule property. In addition to the aforesaid document, plaintiff has also produced certain photographs to show that he is running a stationery shop in the suit schedule property. On the other hand, defendants had not produced any material before the Court to show that plaintiff had voluntarily surrendered the suit schedule property or that they had taken any action in accordance with law to evict him from the suit schedule property.

6. In the written statement which is filed by the defendants, they have not taken up any such contention that the plaintiff has surrendered the suit schedule property after expiry of the lease period at any other point of time nor they have raised a contention that possession of the suit schedule property was taken over by the defendants in accordance with law. Therefore, I am of the opinion that the Trial Court was fully justified in allowing IA No.1 filed in OS No.179/2022 by the plaintiff. The Appellate Court having appreciated all these aspects of the matter has rightly rejected MA No.14/2023. Petitioner is before this Court as against the concurrent findings



recorded against him. The order of temporary injunction is operating in favour of plaintiff for the last about two and a half years. Considering the aforesaid aspects of the matter, I am of the considered opinion that the orders impugned does not call for interference at the hands of this Court. Considering the relief sought for in the suit as well as the year in which the suit is filed, if the Trial Court is directed to expedite trial and dispose off the suit on its merits expeditiously, the same would serve the ends of justice. Accordingly, the following order:-

7. The writ petition is dismissed. The Trial Court is requested to expedite the trial in OS No.179/2022 and dispose off the suit on its merits as expeditiously as possible.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE