



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. 2350 OF 2025 (CPC)

BETWEEN:

1. SMT B R SHYLAJA
WIFE OF CHANDRASHEKAR G V
AGED ABOUT 46 YEARS,
RESIDING AT NO. 335,
9TH MAIN, DOLLARS COLONY,
4TH PHASE, J P NAGAR
BANGALORE - 560078

ALSO AT NO.403,
MANIKCHAND 117FF,
KANAKAPURA ROAD
JAYANAGAR 7TH BLOCK,
BANGALORE - 560070

2. SRI G V CHANDRASHEKAR
SON OF LATE G T VENKATASWAMY,
AGED ABOUT 57 YEARS,
RESIDING AT NO. 335,
9TH MAIN, DOLLARS COLONY,
4TH PHASE, J.P.NAGAR
BANGALORE - 560078

ALSO AT NO.403,
MANIKCHAND 117FF
KANAKPURA ROAD
JAYANAGAR 7TH BLOCK,
BANGALORE - 560070





3. SRI G V PALAKSHA
SON OF G T VENKATASWAMY REDDY
AGED ABOUT 59 YEARS,
RESIDING AT NO. 1141, 4TH FLOOR,
21ST A CROSS, H.S.R. LAYOUT,
BENGALURU SOUTH,
BENGALURU - 560102.
4. SMT. N SUDHA
WIFE OF LATE G V NAGARAJ REDDY
AGED ABOUT 57 YEARS
5. SMT. DRUTHI G N
D/O LATE G V NAGARAJ REDDY
AGED ABOUT 33 YEARS
6. KUM. RASHMI.G.N.
DAUGHTER OF LATE G.V. NAGARAJ REDDY,
AGED ABOUT 30 YEARS,

APPELLANTS NO.4 TO 6 ARE
RESIDING AT NO. 183,
GUNJUR, BENGALURU SOUTH,
BENGALURU-560087.

...APPELLANTS

(BY SRI. DHANANJAY V.JOSHI, SENIOR ADVOCATE FOR
SMT. KAVITHA DAMODARAN, ADVOCATE)

AND:

1. SRI G V SATHISH REDDY ALIAS
G V SATHEESH REDDY
SON OF LATE G T VENKATASWAMY REDDY
AGED ABOUT 58 YEARS,
RESIDING AT GUNJUR VILLAGE,
VARTHUR HOBLI,
BENGALURU EAST TALUK



ALSO AT
NALINI SATISH VIHAR
OPP. NAKSHA ACADEMY
GUNJUR NERIGE ROAD,
GUNJUR POST, VARTHUR HOBLI,
BENGALURU EAST TALUK
BENGALURU - 560087.

2. M/S VIRTUESA TECHNOLOGIES AND
SERVICES PRIVATE LIMITED,
A COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
REGISTERED OFFICE AT NO.21,
SAMARPAN ENCLAVE, ECC ROAD,
WHITE FIELD, NEAR DEENS SCHOOL,
BENGALURU-560066,
REPRESENTED BY ITS DIRECTOR.

...RESPONDENTS

(BY SRI. VISHWAS GOWDA G.M., ADVOCATE FOR R1;
VIDE COURT ORDER DATED 06.08.2025,
NOTICE TO R2 IS DISPENSED WITH)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER
ORDER 43 RULE 1(r) OF THE CODE OF CIVIL PROCEDURE,
1908.

THIS MISCELLANEOUS FIRST APPEAL HAVING BEEN
HEARD AND RESERVED FOR ORDERS ON 09.02.2026, THIS
DAY, AN JUDGMENT IS PRONOUNCED AS UNDER:

ORAL JUDGMENT

Sri.Dhananjaya.V.Joshi. Senior counsel on behalf of
Smt.Kavitha Damodaran, for the appellants and Sri. Vishwas
Gowda. G.M., counsel for respondent No.1, appeared in person.



2. The captioned appeal is filed to set aside the order dated 15th day of February 2025, passed by the Court of XXV Additional City Civil and Sessions Judge (CCH-23) in Misc. No.112/2025. Consequently, allow the application filed by the plaintiffs under Order 39 Rule 2A of the Code of Civil Procedure, 1908.

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

4. The plaintiffs filed a suit seeking certain relief. They also filed an interlocutory application under Order XXXIX, Rules 1 and 2 of the CPC, restraining defendant No.1 from alienating or otherwise encumbering the suit schedule property till the disposal of the suit. The Trial Court, vide order dated 22.08.2023, issued an ad interim ex-parte temporary injunction restraining the first defendant, his agents, servants or anybody acting on behalf of defendant No.1 from alienating or encumbering the suit schedule property till the next date of hearing. It was also ordered that the provisions of Order 39 Rule 3 of the CPC be complied with. The Trial Court issued a suit summons, an emergent notice of I.A.No.1 to the first



defendant, and a suit summons to defendant No.2, returnable by 29.09.2023. On 29.09.2023, the Trial Court extended the interim order till the next date of hearing and passed the order, which reads as follows.

"S.S. to D1 served. He is called out absent. Service of summons held sufficient. Hence, D1 was placed ex-parte.

S.S. to D2 not served. Reissue S.S. to D2 if P.F. is paid. R/by 17.11.2023."

An application was filed on 17.11.2023 on behalf of defendant No.1 to set aside the order dated 29th day of September 2023. The order was set aside. The first defendant filed a written statement, and notably, he adopted the contentions and averments made in the written statement as his objections to the plaintiff's temporary injunction application (IA).

The plaintiffs contend that the first defendant was aware of the Temporary Injunction order dated 22.08.2023; however, he executed a Mortgage Deed in favor of the Standard Chartered Bank in respect of the suit schedule property. The plaintiffs further contend that they became aware of the



violation of the Court's order on 22.08.2023 and applied for an encumbrance certificate to identify any fraudulent transactions that the first defendant may have executed concerning the suit schedule property after the filing of the suit. Contending that there was disobedience of the injunction order, the plaintiffs filed an application under Order 39 Rule 2A of the CPC, which was registered as Miscellaneous Petition No.112/2025. The first defendant filed his objections, and the Trial Court framed three issues. The parties led evidence, and ultimately the Court rejected the 2A application. Under these circumstances, the plaintiffs have filed the above appeal on several grounds as set out in the Memorandum of Appeal.

5. Counsel for the respective parties presented several contentions.

Senior Counsel, in presenting his arguments, strenuously urged that the first defendant had deliberately violated the interim order. Hence, a necessary order regarding the breach/violation of the order may be passed.

In response to the submission, counsel for the first defendant submitted that while the first defendant was aware



of the interim order, there was no 'willful' disobedience or contumacious intent to flout the Court's direction. The actions taken were based on a bona fide, albeit erroneous, interpretation of the order, and the defendant has always held the highest respect for the Court.

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

7. Is the Trial Court justified in rejecting the miscellaneous petition?

8. The facts are already clear. No further detail is required. The dispute relates to the order passed by the Trial Court in response to the plaintiffs' application under Order 39, Rule 2A, of the CPC. The true copy of the mortgage deed is furnished with the appeal, and a perusal of the same reveals that the first defendant mortgaged the suit schedule property in favor of Standard Chartered Bank on 17.11.2023.

9. It is pivotal to note that the Trial Court granted an interim injunction on 22.08.2023. The first defendant, having full knowledge of the said order, willfully and deliberately



disobeyed the Court's authority by venturing to execute a mortgage deed regarding the subject property.

10. The submission that the interim order was not fully understood in its true scope by the first defendant and the alleged disobedience was not a conscious, intentional violation, but rather a result of a bona fide, mistaken belief regarding the scope of the restriction is satisfactorily hopeless as the first defendant's admission of knowledge regarding the interim order, coupled with his subsequent actions, clearly demonstrates a willful, contumacious disregard for the Court's authority. The Trial Court erred in law and on the facts by concluding that the mortgage deed dated 17th November 2023 was merely a continuation of the previous mortgage, whereas it was a distinct, independent, and novated agreement. The Trial Court erred in holding that the mortgage dated 17th November 2023 was in continuation of the old mortgage, ignoring the material evidence on record showing that the 2023 deed created a fresh, independent charge on the property, and thus the old mortgage had ceased to subsist. The Trial Court committed a manifest error by acknowledging that defendant No.1 violated the injunction order, yet failing to find him in



contempt. This inconsistent finding constitutes a failure to exercise jurisdiction under Order XXXIX Rule 2A CPC, as a confirmed violation of a Court order necessitates action.

11. I may venture to say that the impugned order is perverse, as the Trial Court, having rendered a finding of fact regarding the violation of the injunction by defendant No.1, fell into a jurisdictional error by refusing to find disobedience, thereby failing to act under Order XXXIX Rule 2A CPC. The petition filed by the plaintiff under Order 39 Rule 2A is allowed. The first defendant is found committed disobedience or breach of the interim order of temporary injunction dated 22.08.2023.

12. Consequently, the first defendant shall be detained in civil prison for one month on the plaintiff's depositing subsistence allowance as fixed by the State Government.

13. The order dated 15th day of February 2025, passed by the Court of XXV Additional City Civil and Sessions Judge (CCH-23) in Misc. No.112/2025 is set aside and the application filed by the plaintiffs under Order 39 Rule 2A of the Code of Civil Procedure, 1908, is allowed.



NC: 2026:KHC:11419
MFA No. 2350 of 2025

14. Resultantly, the appeal is ***allowed***.

**SD/-
(JYOTI M)
JUDGE**

MRP

List No.: 1 Sl No.: 1