



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

MISCELLANEOUS FIRST APPEAL NO.2180 OF 2026 (CPC)

BETWEEN:

SMT. P. N. SUDHA,
WIFE OF D.N. PRASAD,
AGED ABOUT 50 YEARS,
RESIDING AT NO. 21,
6TH MAIN,
KUVEMPUNAGAR,
DODDAKALLASANDRA,
BENGALURU - 560062.

...APPELLANT

(BY SMT. SUSHMA NAGRAJ, ADVOCATE)



AND:

1. SRI GOVINDARAJU,
S/O LATE LAKSHMINARAYANAPPA,
AGED ABOUT 66 YEARS,
RESIDING AT NO. 45,
CHINNAKURCHI VILLAGE,
K. GOLLAHALLI POST,
KENGARI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU - 560060.



2. SRI. MANOJ GOWDA M. L.,
S/O VARALAKSHMI,
S/O LAXMI KUMAR,
AGED ABOUT 27 YEARS,
RESIDING AT MALATHALLI VILLAGE,
HAMLET OF BETHAMGERE,
GANAKAL POST,
BIDADI HOBLI,
RAMANAGARA TALUK,
BANGALORE SOUTH DISTRICT- 560060.

...RESPONDENTS

(BY SRI B.N. SUNIL KUMAR, ADVOCATE FOR C/R1 AND R2)

THIS MFA FILED U/O.43 RULE 1(r) OF THE CPC, THIS
APPEAL IS PRAYING TO SET ASIDE THE ORDER DATED
23.02.2026 PASSED IN O.S.NO.2527/2025 ON THE FILE OF
THE III ADDITIONAL SENIOR CIVIL JUDGE AND JMFC,
BENGALURU RURAL AT ANNEXURE - L.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA



ORAL JUDGMENT

This Miscellaneous First Appeal is preferred by the defendant against the order dated 23.02.2026 passed on I.A.Nos.1 and 2 in OS No.2527/2025 ('the trial Court' for short). By the impugned order the trial Court allowed the application filed by the plaintiffs under Order XXXIX Rule 1 and 2 of CPC and directed the parties to maintain status quo over the suit schedule property.

2. The plaintiff instituted a suit OS No.2527/2025 seeking relief of declaration, possession and permanent injunction. Along with suit, application under Order XXXIX Rule 1 and 2 of CPC were filed seeking interim protection. The trial Court by the impugned order granted an ad-interim status quo order.

3. Learned counsel appearing for the appellant drawing the attention of this Court to the order sheet in OS No.2527/2025 submits that the appellant had entered



caveat on 15.10.2025 and the appellant's counsel was served with hand summons in the suit and the appellant's counsel appeared before the trial Court on 10.02.2026 and the matter originally stood adjourned to 09.03.2026, but was advanced at the instance of the plaintiffs. Though the advancement application sought listing on 17.02.2026 (Annexure-H), the matter was taken up on 18.02.2026 and thereafter on 20.02.2026 and 21.02.2026 without proper intimation. It is submitted that the trial Court ultimately passed an ex-parte status quo order on 23.02.2026 without hearing the caveator, despite his prior appearance. It is contended that the appellant is the absolute owner in possession of the site Nos.62 and 63 and the core issue involves boundary/title dispute requiring adjudication on evidence.

4. Per contra, learned counsel appearing for the respondents/plaintiffs sought to justify the impugned order and contended that the interim protection granted by the trial Court does not warrant interference.



5. This Court has considered the rival submission and perused the material on record. The point that arises for consideration is,

Whether the impugned order of the trial Court warrants interference?

6. The material on record particularly the order sheet in OS No.2527/2025 clearly indicates that

(i) The appellant has entered caveat and appeared before the Court on 10.02.2026.

(ii) The respondents/plaintiffs moved an application for advancement from 09.03.2026 to 17.02.2026 (Annexure-H). The relevant portion of the advancement application reads as under:

"The plaintiff above named humbly beg to state as follows:

That for the reason sworn to in the accompanying memorandum of facts that this Hon'ble Court be pleased to advance the above case from 09.03.2026 to this day on 17.02.2026 for hear on I.A.No.1 and 2 of the suit, in the above case in the ends of justice."



(iii) The matter was advanced and taken up on dates other than the one sought and the order sheet indicates that the matter was not listed on 17.02.2026 as per the advancement application, but was listed on 18.02.2026 and the trial Court passed the following order:

"18.02.2026

Case is advanced.

Plaintiff counsel present. Heard. The date is preponed in view of submission. For W/S and objection of defendants by 20.02.2026."

7. Later on, the matter was listed on 20.02.2026. As the defendant/caveator was absent, the plaintiffs counsel was heard and for hearing the defendant/caveator side, the matter was listed on 21.02.2026. On the said day, the defendant's side was absent and finally on 23.02.2026, the interim order of status quo came to be passed by the trial Court. The entire order sheet and the material placed on record indicate that ad-interim order of status quo is an ex-parte order without hearing the caveator. The impugned order is an ex-parte order passed



in violation of the principles of natural justice and such an order especially in the context of interim injunction is unsustainable and liable to be interfered with. Accordingly, the point framed for consideration is answered and this Court pass the following:

ORDER

- (i) The Miscellaneous First Appeal is hereby ***allowed.***
- (ii) The impugned order dated 23.02.2026 on I.A.Nos.1 and 2 is hereby ***set aside.***
- (iii) The matter is remitted back to the trial Court for fresh consideration in accordance with law after affording sufficient and reasonable opportunity to both the parties and pass appropriate orders in accordance with law.

Sd/-

JUSTICE K.S. HEMALEKHA