



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 10495 OF 2026 (GM-CPC)

BETWEEN:

MR. NEMIRAJ SHETTY
S/O CHANDRASHEKAR SHETTY
AGED ABOUT 58 YEARS
R/AT D. NO. 5-175-1, SIDDIVINAYAKA
NEMU SHETTY COMPOUND
NEAR PADAVU HIGH SCHOOL
MANGALURU-575005

...PETITIONER

(BY SRI. SACHIN B S., ADVOCATE)

AND:

MR. SHRAVAN KRISHNARAJ
S/O KRISHNARAJ K
R/O DOOR NO. 16-57/1
SADASHIV JAYASHREE GATE
1ST CROSS, NEAR PRESIDENCY SCHOOL
BIKARNAKATTE, PADAVU MANGALURU-575005

...RESPONDENT

(BY SMT. MEGHANA BALLAL., ADVOCATE FOR
SRI. AKASH B SHETTY)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED ORDER DATED 25.02.2026 ON IA NO.3 IN OS.NO.
1134 OF 2024 ON THE FILE OF II ADDITIONAL CIVIL JUDGE
AND JMFC AT MANGALORE, DAKSHINA KANNADA AS PER
ANNEXURE-A AND ETC.

THIS PETITION, COMING ON FOR ORDERS, 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 petitioner/plaintiff under Article 227 of the Constitution of India, challenging the order dated 25.02.2026 passed on I.A.No.3 in O.S. No.1134/2024 by the II Additional Civil Judge and JMFC, Mangaluru (for short, "trial court"), whereby the application filed by the respondent/defendant under Section 151 of the Code of Civil Procedure (for short, "CPC") has been allowed, directing the petitioner/plaintiff to deposit arrears of rent of Rs.12,50,000/-.

2. For the sake of convenience, the parties are referred to as per their ranking before the trial court.

3. The petitioner/plaintiff instituted a suit in O.S. No.1134/2024 seeking permanent injunction. Upon service of summons, the respondent/defendant entered appearance through counsel and filed the written statement. Based on the pleadings, the trial court framed the issues and the matter was set down for evidence. At



that stage, the respondent/defendant filed an application under Section 151 of CPC seeking a direction to the petitioner/plaintiff to deposit arrears of rent. The said application came to be allowed. Aggrieved by the same, the petitioner/plaintiff is before this Court.

4. Since the suit is one for permanent injunction and there is no counter-claim, the application seeking payment of arrears of rent is not maintainable. The trial court, without considering this material aspect, has erred in allowing the application and directing the petitioner/plaintiff to deposit arrears of rent.

5. In view of the above, the following order is passed:

(i) The writ petition is allowed.

(ii) The impugned order dated 25.02.2026 passed on I.A. No.3 in O.S. No.1134/2024 on the file



of the II Additional Civil Judge and JMFC, Mangaluru,
is hereby set aside.

(iii) It is made clear that, if the respondent/
defendant files any application seeking counter-
claim, the trial court shall consider and decide the
same in accordance with law, without being
influenced by any observations made in the course of
this order.

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

CM
LIST NO.: 1 SL NO.: 22