



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

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

MISCELLANEOUS FIRST APPEAL NO.6620 OF 2025 (CPC)

BETWEEN:

1. SHRI. RAMESH
S/O SANJEEVAIAH,
AGED ABOUT 38 YEARS,
R/AT PATTANAGERE VILLAGE,
BEHIND MARAMMA TEMPLE,
RAJA RAJESHWARI NAGAR,
BENGALURU-560098.
2. SHRI R. MANJUNATH
S/O RAMAKRISHNAIAH,
AGED ABOUT 32 YEARS,
R/AT PATTANAGERE VILLAGE,
BEHIND MARAMMA TEMPLE,
RAJA RAJESHWARI NAGAR,
BENGALURU-560098.
3. SMT. PUTTAMMA
W/O VENKATACHALAI AH,
AGED ABOUT 68 YEARS,
R/AT NO.35, PATTANAGERE VILLAGE,
BEHIND MARAMMA TEMPLE,
RAJA RAJESHWARI NAGAR,
BENGALURU-560098.
4. SHRI SANJEEVAIAH
S/O LATE SANJEEVAIAH,
AGED ABOUT 68 YEARS,
R/AT PATTANAGERE VILLAGE,
BEHIND MARAMMA TEMPLE,
RAJA RAJESHWARI NAGAR,
BENGALURU-560098.

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MAHALAKSHMI B M
Location: HIGH
COURT OF
KARNATAKA



5. SHRI S. RAMAKRISHNAIAH
S/O LATE SANJEEVAIAH,
AGED ABOUT 68 YEARS,
R/AT PATTANAGERE VILLAGE,
BEHIND MARAMMA TEMPLE,
RAJA RAJESHWARI NAGAR,
BENGALURU-560098.
6. SMT. USHA
W/O LATE S. SADASHIVAIAH,
AGED ABOUT 58 YEARS,
R/AT PATTANAGERE VILLAGE,
BEHIND MARAMMA TEMPLE,
RAJA RAJESHWARI NAGAR,
BENGALURU-560098.

...APPELLANTS

(BY SRI AJAY KADKOL, ADVOCATE FOR
SRI GAURAV N., ADVOCATE)

AND:

1. SRI B.H. JAYARAM
S/O LATE B.S. HANUMANTHE GOWDA
AGED ABOUT 76 YEARS,
R/A FLAT NO.A-1011, 11TH FLOOR,
ARTISANE FOREST BREEZE APARTMENT,
DORESANIPALYA, J.P. NAGAR,
BENGALURU-560076.
2. SHRI SHARATH JAYARAM
S/O B.H. JAYARAM,
AGED ABOUT 44 YEARS,
R/A FLAT NO.A-1011, 11TH FLOOR,
ARTISANE FOREST BREEZE APARTMENT,
DORESANIPALYA, J.P. NAGAR,
BENGALURU-560076.
3. M/S. ANEKAL LOGISTIC PARK PRIVATE LIMITED,
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT
FLAT NO.A-1011, 11TH FLOOR,
ARTISANE FOREST BREEZE APARTMENT,
DORESANIPALYA, J.P. NAGAR,



BENGALURU-560076
REP. BY ITS DIRECTOR-
SHRI SHARATH JAYARAM.

4. THE STATE OF KARNATAKA
REP. BY ITS CHIEF SECRETARY,
VIDHANA SOUDHA,
BENGALURU-560001.
5. THE COMMISSIONER OF POLICE,
OFFICE AT INFANTRY ROAD,
BENGALURU-560001.
6. THE DEPUTY COMMISSIONER OF POLICE,
RAJAJRAJESHWARI NAGAR DIVISION,
BENGALURU-560098.
7. THE ASSISTANT COMMISSIONER OF POLICE,
RAJAJRAJESHWARI NAGAR SUB-DIVISION,
BENGALURU-560098.
8. THE POLICE INSPECTOR,
RAJAJRAJESHWARI NAGAR POLICE STATION,
BENGALURU-560098.

...RESPONDENTS

(BY SRI K.VIJAYA KUMAR & LOKESH K., ADVOCATES FOR C/R1 & R2;
SRI DHANANJAY V. JOSHI, SENIOR COUNSEL FOR
SRI NANDA KISHORE, ADVOCATE FOR R3;
SRI MANJUNATH RAYAPPA, AGA, FOR R4 TO R8)

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF CPC
AGAINST THE ORDER DATED 12.08.2025 PASSED ON I.A.Nos.2 AND
3 IN O.S.NO.4783/2025 ON THE FILE OF THE XV ADDITIONAL CITY
CIVIL AND SESSIONS JUDGE, BENGALURU (CCH NO.3), ALLOWING
THE I.A.NO.2 FILED UNDER ORDER 39 RULE 1 AND 2 OF CPC,
ALLOWING THE I.A.NO. 3 FILED UNDER ORDER 39 RULE 1 AND 2 OF
CPC.

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 filed by defendants 1 to 6 in OS No. 4783/2025 calling in question the correctness of the order dated 12.08.2025 passed by the XV Additional City Civil and Sessions Judge, Bengaluru ('the trial Court' for short) on I.A Nos. 2 and 3 whereby the trial Court has granted an order of temporary injunction restraining the appellants/defendants 1 to 6 from interfering with the alleged possession of the plaintiffs and from creating third party interest over the suit schedule property.

2. The brief facts leading to the present appeal is that land bearing Sy. No. 10 measuring 3 acres 20 guntas situated at Pattangare Village, Kengeri Hobli, Bangalore-South Taluk, is the suit schedule property. The plaintiffs claim title to the said property through a grant said to have been made in favour of one Muniyappa in the year 1958, followed by the mutation of revenue records,



conversion of land for non-agricultural purpose in the year 1995, restoration of proceedings before the Deputy Commissioner in the year 2010 and ultimately through a registered sale deed executed in their favour in the year 2023. The defendants on the other hand assert a claim of title through a different lineage, tracing their rights to an earlier grant in favour of Sanjeevaiah and subsequent transactions including a sale deed executed in the year 1992 and conversion proceeding. The schedule property had been subject matter of several rounds of litigation. One such suit in OS No. 2878/2022 was instituted by Puttama, who is the present vendor of the plaintiffs seeking an order of injunction.

3. The trial Court, upon consideration of the material on record, rejected the application for temporary injunction by order dated 20.08.2022. The appeal preferred against the said order in MFA No. 6104/2022 came to be withdrawn. Another suit in OS No. 3494/2022 was filed by Srinivas Rao, claiming through Sanjeevaiah



lineage wherein the trial Court again refused to grant temporary injunction. The said order was carried in appeal before this Court in MFA No. 6593/2022, which also came to be dismissed, thereby affirming the finding that no *prima facie* case of possession was made out. The Special Leave Petition in SLP 9195/2024 filed by Srinivas Rao was withdrawn. Yet another suit in OS No. 3124/2022 filed by the defendants similarly resulted in refusal of injunction.

4. Learned counsel appearing for the appellants would vehemently contend that the plaintiffs in the present suit derived their title through their vendor, who had earlier approached the trial Court in OS No. 2878/2022 seeking identical relief of injunction in respect of the very same property. It is submitted that in the said proceedings, the trial Court, upon consideration of the material placed on record had rejected the application for temporary injunction holding that, the plaintiffs therein have failed to establish possession. The said findings, according to the appellants, directly impacts the present



plaintiffs as they claim through the very same vendor, and therefore cannot be placed on a better footing. It is further contended that despite the availability of such material, the trial Court in the present case has proceeded to grant injunction without properly appreciating the effect of earlier proceedings. It is also contended that the documents relied upon by the plaintiffs, including the alleged conversion order and the endorsement of the Assistant Commissioner, are without jurisdiction and cannot confer any lawful right. According to the appellants, the very foundation of the plaintiffs claim is under serious cloud, and in the absence of a clear and established prima facie title coupled with possession, the trial Court ought not to have granted the equitable relief of injunction.

5. Per contra, learned Senior Counsel Sri Dhananjay Joshi appearing for the respondents 1 to 3/plaintiffs would submit that the plaintiffs have produced sufficient material to demonstrate possession, including the registered sale deeds, revenue entries and katha records and the trial



Court has considered the same while granting injunction. It is further contended that the impugned order contains a detailed reasoning, particularly by reading the paragraphs of the trial Court it is contended that the trial Court has examined the documents produced by the plaintiffs and has recorded a finding that the balance of convenience lies in their favour. It is submitted that merely because another view is possible, the Appellate Court ought not to interfere with the discretionary order of the trial Court.

6. In support of the said contention, reliance is placed on the decisions of the Apex Court in ***Wander Limited and Another vs Antox India P. Limited***¹ (*Wander Limited*), wherein it is held that an Appellate Court will not interfere with the exercise of discretion of the Court of first instance, and substitute its own view, except where such discretion has been exercised arbitrarily, capriciously, perversely or in disregard of settled principles governing the grant of refusal of

¹ 1990 (Supp) SCC 727



interlocutory injunction. The learned Senior Counsel also relies upon ***Mohd. Mehtab Khan and Others vs Khushnuma Ibrahim Khan and Others***² (*Mehtab Khan*) to contend that if the view taken by the trial Court is a possible view, the same ought not to be interfered with by the Appellate Court. Further reliance is placed on ***Ramakant Ambalal Choksi vs Harish Ambalal Choksi and Another***³ (*Ramakant Ambalal Choksi*) to contend that a perverse order is one which is contrary to pleadings and evidence and unless such a perversity is demonstrated, interference is unwarranted.

7. This Court has carefully considered the rival submissions and perused the material on record.

8. The point that falls for consideration is,

*whether the impugned order passed by
the trial Court granting injunction in favour of*

² 2013) 9 SCC 221

³ (2024) 11 SCC 351



the plaintiff warrants any interference by this Court?

9. The present suit in OS No. 4783/2025 is one filed by the plaintiffs seeking declaration of their lawful possession over the suit schedule property and for consequential relief of permanent injunction, restraining the defendants from interfering with such possession, along with a prayer for mandatory injunction including police protection. At the outset, it is to be noted that the dispute between the parties is not merely with regard to possession, but involves serious and competing claim of title. The very same property has been the subject matter of multiple proceedings including OS No. 2878/2022 and OS No. 3494/2022. OS No. 2878/2022 instituted by the vendor of the present plaintiffs. The trial Court has refused to grant temporary injunction and has categorically observed that the plaintiffs therein had not disclosed the earlier suit in OS No. 5444/2020 which has been dismissed for non-prosecution. The Court further observed that in



the earlier suit, plaintiff No. 1 alone had asserted a right over the property whereas in the subsequent suit, all the plaintiffs together have claimed right over the same property thereby indicating inconsistency in the claim. The trial Court in the said proceedings has also noted about the various proceedings initiated before the Deputy Commissioner, Assistant Commissioner and other authorities and has recorded a clear finding that both the parties are asserting competing claims over the suit schedule property on the basis of voluminous and conflicting documents. The Court also observed that there is a serious dispute with regard to the right, title, interest and possession of the parties and that such dispute cannot be adjudicated in a bare suit for injunction. It was further observed by the trial Court in OS No. 2878/2022 that the pleadings of the plaintiff particularly in paragraph 9 of the plaint, clearly indicated that the plaintiffs intended to make use of the order of temporary injunction to proceed with the development activities in the suit schedule



property. The Court has categorically held that the very object of granting an order of temporary injunction is to preserve the subject matter of the suit in its existing condition and to maintain status quo pending adjudication. However, in the facts of the said case, it was found that the plaintiffs were attempting to alter the nature of the property by undertaking development activities under the guise of an interim order, despite there being a cloud over the title and several ambiguities and uncertainty surrounding the claim.

10. Taking note of these aspects, the trial Court concluded that the plaintiffs have failed to establish a *prima facie* case and that balance of convenience did not lie in favour of granting or continuing the order of injunction. It was further observed that if such an order was to be continued, it would result in multiplicity of proceedings and cause irreparable loss to the defendants. Accordingly, the application for temporary injunction seeking to restrain the defendants from demolishing the



compound wall and boards in the suit schedule properties was rejected.

11. The aforesaid findings rendered in respect of the very same property at the instance of the vendor of the present plaintiffs against the very same respondents clearly demonstrate that question of title and possession is seriously disputed and the plaintiffs therein had failed to establish a *prima facie* case. The present plaintiffs, claiming through the said vendor, cannot be placed on a better footing, and the trial Court in the present case has failed to properly appreciate the effect of said findings while granting the impugned order of injunction. It is also relevant to state at this stage that similarly in OS No. 3494/2022 filed by the purchaser of the defendants 1 to 6 Srinivas Rao the trial Court refused injunction and rejected the application filed by the vendors of the defendants seeking temporary injunction. The said findings have been affirmed by this Court in MFA No. 6593/2022. The said judgment has attained finality in view of the withdrawal of



the SLP No. 9195/2024. The consistent refusal of injunction in earlier proceedings in respect of the same property is a significant circumstance which ought to have been taken into consideration by the trial Court while deciding the present application.

12. Further, it is not in dispute that the present plaintiffs claim their rights through Puttamma. It is a well settled principle of law that a purchaser cannot acquire a better title than that of the vendor. When the vendor herself has failed to establish a *prima facie* case for grant of injunction, the purchasers claiming under her cannot be placed on a higher pedestal. The trial Court in granting injunction has failed to appreciate this fundamental aspect.

13. Another significant aspect is that the trial Court while granting injunction, has itself observed that the dispute between the parties involves questions of title which require adjudication in full-fledged trial. Having recorded such findings, the trial Court ought not to have



granted an order of temporary injunction as it is well settled that when there is a title seriously disputed and possession is not clearly established, the parties must be relegated to trial rather than granting interim protection in favour of one party.

14. The reliance placed by the learned Senior Counsel for the respondents on the judgment in ***Wander Ltd.*** (*supra*) is also not applicable to the present case. While it is true that Appellate Courts ordinarily do not interfere with the discretionary orders passed by the trial Court, the said principle is subject to well-recognized exemption that when discretion has been exercised arbitrarily, perversely or in disregard to the settled principles of law, the Appellate Court is justified in interfering. In the present case, the trial Court has failed to consider the earlier binding circumstances, has ignored the consistent findings recorded in the previous proceedings, and granted injunction, despite serious dispute regarding title and possession.



15. In order to balance equities between the parties and having regard to the fact that the dispute pertains to immovable property involving serious questions of title and possession, this Court deems it appropriate to direct both the parties to maintain status quo and accordingly the parties are directed to maintain status quo with regard to the nature, character and possession of the suit schedule property as it exists as on the date of this order until disposal of the suit. It is further clarified that the plaintiffs shall not put up any further construction, development or alteration in the suit property nor create any third party rights including sale, lease or encumbrance in respect of the suit property. This direction is issued purely as an equitable interim arrangement to preserve the subject matter of the suit and shall be not construed as recognition of possession or title of either party. And similar is the position in **Mehtaab Khan** and **Ramakant Ambalal Choksi** (*supra*), wherein the settled principles governing the grant or refusal of interlocutory injunction



has been considered. The principle laid down in ***Mehtab Khan*** (*supra*) that a possible view should not be interfered with, applies only when the view taken by the trial Court is based on proper consideration of material on record. In the present case, the omission to consider crucial aspects such as earlier proceeding and competing claims of their title, renders the view taken by the trial Court untenable. The judgment in ***Ramakant Chokashi*** (*supra*) defines perversity as a decision which is against evidence or rendered in disregard of law. Applying the said test, it is evident that the impugned order suffers from perversity, as in it grants injunction despite the existence of serious dispute regarding title and despite earlier judicial findings negating the possession.

16. Accordingly, the point framed for consideration is answered and this Court pass the following :



ORDER

- (i) The Miscellaneous First Appeal is ***allowed in part.***
- (ii) The order dated 12.08.2025 passed by the XV Additional City Civil and Sessions Judge, Bengaluru, on I.A. Nos. 2 and 3 in OS 4783/2025 is hereby modified by directing both the parties to maintain *status quo* with regard to the nature, character and possession of the suit schedule property as it exists as on the date of this order until the disposal of the suit.
- (iii) It is made clear that this order is only for the purpose of regulating interim arrangement and shall not be construed as an expression on the merits of the case or recognition of the title or possession of either party. The trial Court is directed to dispose of the suit expeditiously as possible without being



influenced by any of the observations made
by this Court while considering the
interlocutory application or any observation
of the trial Court.

Sd/-

JUSTICE K.S. HEMALEKHA

CKL
List No.: 1 SI No.: 80