



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.9253 OF 2025 (CPC)

BETWEEN:

SRI S.L. KESHAHA MURTHY
S/O L. LAKSHMINARAYANA,
AGED 66 YEARS,
R/AT NO.956, 27TH-A-MAIN ROAD,
9TH BLOCK, JAYANAGARA,
BENGALURU-560 069.

...APPELLANT

(BY SRI M.B. CHANDRA CHOODA, ADVOCATE)

AND:

AMIRUL ISLAM BORBHUIYA
S/O ANWARUL ISLAM BORBHUIYA,
AGED 44 YEARS,
R/AT NO.704, OLIVE BLOCK,
HM WORLD CITY APARTMENTS,
J.P.NAGAR, 9TH PHASE,
NEAR KONANAKUNTE CROSS,
OFF: KANAKAPURA ROAD,
BENGALURU-560 018.

...RESPONDENT

(BY SRI B.M. HALASWAMY, ADVOCATE FOR C/R)

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) OF THE CPC.,
AGAINST THE ORDER DATED 15.10.2025 PASSED ON I.A.NO.1 IN
O.S.NO.4925/2025 ON THE FILE OF THE XXIX ADDITIONAL CITY
CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-30), ALLOWING I.A.
NO.1 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 the defendant calling in question the order dated 15.10.2025 passed on I.A.No.I filed under Order XXXIX Rules 1 and 2 CPC in O.S. No.4925/2025 on the file of the XXIX Additional City Civil and Sessions Judge, Bengaluru (CCH-30) ('Trial Court' for short), whereby the Trial Court has granted an order of temporary injunction in favour of the plaintiff.

Brief facts:

2. The respondent-plaintiff has instituted the suit seeking relief of permanent injunction restraining the defendant from interfering with his peaceful possession and enjoyment of the suit schedule property. The case of the plaintiff is that he claims right, title and possession over the suit property through a registered sale deed



dated 07.06.2019 executed in his favour and asserts that he is in lawful possession.

3. The defendant, on the other hand, traces his claim to the original owner Ramaiah, contending that Ramaiah had executed a power of attorney in the year 1989 in favour of Sharada and the said Sharada, in turn, executed a registered sale deed dated 08.07.2002 in favour of the defendant. Thus, both parties claim through a common ancestor, namely Ramaiah giving rise to rival claims over the same property.

4. Learned counsel for the appellant-defendant contends that the Trial Court has erred in recording the finding on the merits and title, which is impermissible at the stage of considering an application for temporary injunction. The Trial Court has failed to properly appreciate the defendant's chain of title through GPA and registered sale deed of 2002. It is submitted that the order suffers from non-application of mind and warrants interference.



5. *Per contra*, learned counsel for the respondent-plaintiff contends that the plaintiff has established a *prima facie* possession based on the registered sale deed dated 07.06.2019 and the Trial Court has rightly exercised the discretion and warrants no interference.

6. The point that arises for consideration is :

'Whether the order passed by the Trial Court warrants any interference?'

7. It is not in dispute that the suit is one for bare injunction and therefore, the primary consideration at the interlocutory stage is with regard to possession. The material on record discloses that both the parties trace their claim through Ramaiah through different channels. While the plaintiff claims under subsequent transactions culminating in the sale deed dated 07.06.2019, the defendant traces his claim through a power of attorney executed in the year 1989 and the sale deed dated 08.07.2002. Thus, there exists a serious dispute with



regard to title, which cannot be adjudicated at the stage of granting an order of temporary injunction.

8. It is also evident that the Trial Court has adverted to aspects touching upon title and merits of the matter, which ought to have been avoided at the interlocutory stage. At the same time, both the plaintiff and the defendant have asserted possession and therefore, the matter is not free from doubt. This Court, by order dated 15.12.2025, had directed the parties to maintain *status quo*. Continuation of said order would balance the equities and avoid prejudice to either party. In such circumstances, this Court is of the opinion that the impugned order requires modification and the ends of justice would be met by directing continuation of *status quo* order rather than affirming the injunction in absolute terms or remanding the matter. Accordingly, the point framed for consideration is answered and this Court pass the following:



ORDER

The miscellaneous first appeal is ***disposed of*** with the following directions:

- a. The order dated 15.10.2025 passed on I.A. No.I in O.S. No.4925/2025 on the file of the XXIX Additional City Civil and Sessions Judge, Bengaluru (CCH-30) is ***modified***.
- b. The parties shall maintain *status quo* with regard to possession and nature of the suit schedule property, which will continue till the disposal of the suit.
- c. The observation made by the Trial Court on title or merits shall be treated as a *prima facie* in nature and shall not influence the Trial Court while deciding the suit.

Sd/-

JUSTICE K.S. HEMALEKHA