



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION No. 39575 OF 2025 (GM-CPC)

BETWEEN:

1. PAPAIAH,
SON OF SRI SIDDAIAH,
AGED ABOUT 42 YEARS,
RESIDING AT GANGONDANAHALLI VILLAGE,
DASANAPURA HOBLI,
BANGALORE NORTH TALUK.

...PETITIONER

(BY SRI P. PRASAD, ADVOCATE AND
SRI K.G. RAGHAVENDRA, ADVOCATE)

AND:

1. SMT. MANAGALAMMA,
WIFE OF SRI NAGARAJAIAH,
AGED ABOUT 57 YEARS,
RESIDING AT No.1/1,
NAGAMANGALA NILAYA,
6TH CROSS, MANORAYANAPALYA,
R.T. NAGAR, BANGALORE-560 032.

...RESPONDENT

(BY SRI OMKAR MURTHY G., ADVOCATE FOR C/R)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET
ASIDE THE ORDER DATED FEBRUARY 16, 2024, IN OS
No.318/2023 IN THE COURT OF THE PRINCIPAL CIVIL JUDGE
AND JMFC, AT NELAMANGALA, AT ANNEXURE G AND ETC.



THIS PETITION, COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

Heard Sri P. Prasad and Sri K.R. Raghavendra, learned counsels for the petitioner and Sri G. Omkar Murthy, learned counsel for the caveator/respondent.

2. This writ petition is filed by defendant No.2 in O.S. No.318/2023 on the file of the Principal Civil Judge and JMFC, Nelamangala [trial Court], impugning the order dated 16.02.2024 passed on I.A. No.1 and the order dated 10.11.2025 passed in M.A. No.15/2024 by the II Additional Senior Civil Judge and JMFC, Nelamangala [appellate Court].

3. The respondent instituted a suit seeking to restrain the petitioner from interfering with the peaceful possession and enjoyment of the suit schedule property. In the said suit, the plaintiff filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 [for short, "CPC"]. The schedule properties comprise sites bearing Nos.13, 14 and 15, formed in Survey No.1/11, having present Assessment



Nos.45/13, 14 and 15 of Madavara Grama Panchayati, now within the limits of Madanayakanahalli Nagara Sabe, situated at Gangondanahalli Village, Dasanapura Hobli, Bengaluru North.

4. The trial Court allowed the application and restrained the petitioner/defendant No.2 from interfering with the plaintiff's possession of the plaint schedule property. Aggrieved thereby, the petitioner preferred M.A. No.15/2024, which came to be rejected by order dated 10.11.2025, confirming the order of injunction.

5. Learned counsel appearing for the petitioner submits that the identity of the property described in the sale deed dated 03.06.2004 and that of the plaint schedule property are different. It is further submitted that the plaintiff has no right, title or interest in respect of the suit schedule property. It is contended that the suit schedule sites are stated to have been formed in Survey No.1/11, whereas the entire extent of the land is agricultural in nature.

5.1 It is also submitted that the suit for injunction is founded on an alleged cause of action arising from interference by the



defendants, despite defendant No.1 having died on 13.05.2023. It is therefore contended that the trial Court, without properly considering these aspects, has erroneously granted the order of injunction.

6. Sri Omkar Murthy, learned counsel appearing for the respondent on caveat, submits that sites have been formed in the land bearing Survey No.1/11. It is further submitted that, pursuant to a partition, land measuring 17.08 guntas was allotted to the share of one Nanjappa, and the suit schedule sites form part of the said extent. It is contended that the trial Court, having rightly held that a *prima facie* case is made out, has granted the order of injunction.

7. Considered the submissions of learned counsel appearing for the parties and perused the writ papers.

8. The plaintiff has averred that the suit schedule property was purchased under a registered sale deed dated 03.06.2004 and that he is in possession thereof. It is further averred that the revenue records stand in the name of the plaintiff and that property tax has been paid. Defendant No.2, i.e., the



petitioner, is the brother of the plaintiff's vendor. The petitioner has categorically denied any division of properties among the family members, in particular between himself and the plaintiff's vendor.

9. The trial Court has recorded that a partition was effected under a Panchayat Parikath Deed dated 10.06.1986, whereby land bearing Survey No.1/11, measuring 17.08 guntas, was allotted to the share of Nanjappa. The plaintiff is stated to have purchased the suit schedule property from the said Nanjappa under a registered sale deed dated 03.06.2004, and the suit schedule sites form part of the said survey number.

10. It is further noted that the petitioner has purchased Site No.12 under a sale deed dated 13.03.2019, situated on the western side of the suit schedule property, with reference to the Panchayat Parikath Deed dated 10.06.1986. Reference is also made to the sale deed dated 15.06.2016 executed by the petitioner in favour of Veerabhadraiah. The trial Court has observed that the RTC produced by the petitioner stands in the name of his father, Siddappa. However, as per the Panchayat Parikath Deed dated 10.06.1986, no portion of land in Survey



No.1/11 has been allotted to the share of either the petitioner or his father.

11. In view of the admitted existence of the Panchayat Parikath Deed effecting partition, and the conduct of the petitioner in acting upon the said deed, it is not open to the petitioner to contend that no partition has taken place. It is also not open to contend that the land bearing Survey No.1/11 is agricultural land and that no sites have been formed therein.

12. On the aforesaid considerations, the trial Court has recorded a finding regarding the existence of a *prima facie* case and that the balance of convenience lies in favour of the plaintiff, and has accordingly granted an order of injunction.

13. Similarly, the appellate Court, in the miscellaneous appeal, upon consideration of the aforesaid aspects, has held that the order of restraint was passed on a *prima facie* satisfaction, and that such exercise of discretion cannot be interfered with unless it is shown to be perverse. Accordingly, the appellate Court has confirmed the order of the trial Court.



14. On perusal of the reasons assigned in both the orders, this Court finds justification in the discretion exercised by the Courts below in arriving at a *prima facie* finding and in holding that the balance of convenience lies in favour of the plaintiff. This Court finds that the submissions made by the petitioner are *ex facie* untenable. When the sale deed in favour of the petitioner is founded upon the Panchayat Parikath Deed dated 10.06.1986, which has been acted upon by the petitioner, the contrary contention raised requires adjudication by the trial Court after a full-fledged trial.

15. In the interregnum, the interest of the plaintiff requires protection, which has been rightly granted by the trial Court. This Court finds no error or infirmity in the impugned orders warranting interference. Accordingly, the writ petition stands ***dismissed.***

Sd/-
(K. V. ARAVIND)
JUDGE