



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.12328 OF 2025 (GM-CPC)

BETWEEN:

BHASKARSOPAN CHAUDHARI,
S/O LATE SOPAN TUKARAM CHAUDHARI,
AGED ABOUT 70 YEARS,
R/AT, #653, 3RD PHASE,
IV STAGE, VIJAYANAGARA,
DEVARAJA MOHALLA,
MYSURU -17

REP. BY ITS GPA HOLDER,
SHRIKRISHNA DINKAR CHAUDHARI,
S/O DINKAR SOPAN CHAUDHARI,
AGED ABOUT 34 YEARS,
R/AT #2916, 5TH CROSS, 22ND MAIN,
VIJAYANAGARA II STAGE,
DEVARAJA MOHALLA, MYSURY-17

...PETITIONER

(BY SRI. RAJESWARA P N., ADVOCATE)

AND:

1. M MAHADEVU
S/O MADAPPA,
AGED ABOUT 62 YEARS,
R/AT NO.428, NEAR RAVA MILL,
KOORGALLY, YELAWALA HOBLI,
MYSURU- 571130
2. DINESH J R
S/O. RAJEGOWDA S,
AGED ABOUT 51 YEARS,





R/AT JAINAHALLI VILLAGE,
AKKIHEBBAL HOBLI,
K R PETE TALUK,
MANDYA DISTRICT 571 426

3. THE COMMISSIONER
TOWN MUNICIPAL OFFICE,
HOOTAGALLI
MYSURU 17

...RESPONDENTS

(BY SRI.VENKATESH S.ARBATTI AND
SRI K.S.HARISH, ADV. FOR C/R2
SRI G.M.ANANDA, ADV. FOR R3
V/O/DT: 12.8.2025,
NOTICE TO R1 IS DISPENSED WITH)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER
DATED 01.03.2025 IN M.A. NO.14/2025 BY THE HON'BLE VI ADDL.
DISTRICT AND SPECIAL JUDGE, MYSURU (ANNEXURE-A) AND
ETC.,

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR



ORAL ORDER

This petition by the plaintiff in O.S.No.141/2025 is directed against the impugned order dated 17.02.2025, whereby the application filed by the petitioner/plaintiff for temporary injunction was dismissed by the trial Court and confirmed by the First Appellate Court, which dismissed the appeal in M.A.No.14/2025 vide impugned order dated 01.03.2025.

2. Heard learned counsel for the petitioner, learned counsel for the caveator/respondent No.2, learned counsel for respondent No.3 and perused the material on record.

3. A perusal of the material on record will indicate that the petitioner/plaintiff instituted aforesaid suit against the respondents/defendants, in which he filed an application for temporary injunction restraining the respondents/defendants from putting up any construction on 'A' and 'B' schedule properties till disposal of the suit. The said suit and application having been contested by the respondents/defendants, the trial Court passed an order dated 17.02.2025 dismissing the application, aggrieved by which the petitioner approached the First Appellate Court, which



also dismissed the appeal vide final order dated 01.03.2025. Aggrieved by the impugned orders passed by the trial Court and First Appellate Court, the petitioner approached this Court by way of the present petition, in which this Court passed following interim order dated 09.06.2025.

"Learned counsel for caveator has remained absent both in the forenoon and afternoon.

In the light of prima facie case on behalf of the petitioner, there shall be an interim order of stay as prayed for till the next date of hearing."

4. If the interim order passed by this Court is read in conjunction with the interim relief sought for by the petitioner/plaintiff, it is clear that this Court restrained the respondents from putting up further construction on the suit 'A' and 'B' schedule properties. The said interim order continues to remain in force and operates against the respondents even till today. During the pendency of the present petition, the petitioner has filed an application-I.A.No.2/2025 for direction and I.A.No.3/2025 to initiate contempt proceedings against the respondents/defendants *inter alia* contending that they had violated the aforesaid interim order dated 09.06.2025 passed by this Court.



5. Both the present petition and the applications filed by the petitioner are vehemently opposed by the respondents, who not only support the impugned orders but contend that after the interim order was communicated to respondent Nos.1 and 2, the respondents have not put up any further construction over the suit schedule properties.

6. A perusal of the material on record, in particular the latest photographs produced by the parties will indicate that the external structure of the building has been completed and finishing work/interiors only remain to be completed in the building.

7. Under these circumstances though several contentions have been urged by both sides in support of their respective claims, without expressing any opinion on the merits/demerits of the rival contentions, I deemed it just and appropriate to dispose of this petition by issuing certain directions.

8. In the result, the following:

ORDER

i) Petition is ***disposed of***.



- ii) The impugned orders dated 17.02.2025 passed by the trial Court and 01.03.2025 passed by the First Appellate Court are hereby modified.
- iii) Respondent No.2 is permitted to complete the interiors and finishing work of the building as indicated in the photographs.
- iv) Respondent No.2 shall not put up any further construction on the suit schedule properties till disposal of the suit.
- v) The construction already put up by respondent No.2 and the finishing and interior work to be done by respondent No.2 of the building would be at his risk and cost and subject to the final outcome of the suit and respondent No.2 shall not claim any equities in this regard and the same would be without prejudice to the rights and contentions of the parties.
- vi) It is further directed that in the event the plaintiff succeeds in the suit, the respondents would either demolish and hand over vacant possession of the suitable property to the petitioner/plaintiff or deliver possession of the property with the existing building, without driving the petitioner/plaintiff to seek amendment of the plaint



or file an application or file a separate suit or initiate any other proceedings.

- vii) It is further directed that the respondents shall not alienate, encumber, dispose of or create third party rights over the building till disposal of the suit by the trial Court.
- viii) The trial Court before whom the suit is posted on 18.06.2026 is directed to prepone the suit from 18.06.2026 to 23.02.2026 and dispose of the suit within a period of four months from 23.02.2026.
- ix) Liberty is reserved in favour of both the parties to file an application seeking preponement/ advancement of the suit from 18.06.2026 to 23.02.2026.
- x) It is made clear that this interim arrangement is made without prejudice to the rights and contentions of the parties and would be subject to the final outcome of the suit.
- xi) All rival contentions on all aspects of the matter are kept open and no opinion is expressed on the merits/demerits of the rival contentions.
- xii) Liberty is also reserved in favour of the petitioner to file an application under order 39 Rule 2A of



CPC before the trial Court. It is needless to state that if the petitioner files such an application, the respondents would be entitled to contest the same and the trial Court shall proceed further in accordance with law.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**

VM
List No.: 1 Sl No.: 4