



CNR: KAHC010113372026

NC: 2026:KHC:43335
WP No. 4829 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.4829 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. D. KEMPANNA @ KEMPARAJU,
S/O LATE DODDALAKKAPPA,
AGED ABOUT 60 YEARS,
R/AT 238, A K COLONY,
KOTHANUR, J.P.NAGAR,
BENGALURU SOUTH TALUK,
BENGALURU – 560 078.
2. SRI. D MUNISWAMY,
S/O LATE DODDALAKKAPPA,
AGED ABOUT 58 YEARS,
R/AT 174/A, KOTHANUR VILLAGE,
SOS POST, J.P.NAGAR,
BENGALURU SOUTH TALUK,
BENGALURU – 560 078.

...PETITIONERS

(BY SRI. NATARAJ BABA K, ADVOCATE)

AND:

1. SRI. V.N. MANJUNATH,
S/O LATE NARAYANAPPA
AGED ABOUT 76 YEARS,
R/AT NO.140/5, 18TH MAIN,
J.P.NAGAR V PHASE,
BENGALURU – 560 078
2. SRI. MANJUNATH R,
S/O LATE RAJAPPA &
MUNIYAMMA



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D/O LATE DODDALAKKAPPA,
AGED ABOUT 34 YEARS,
R/AT NO.140/62,
NANJUNDESHWARA NILAYA,
3RD CROSS, J.P.NAGAR 8TH PHASE,
KOTHANUR DINNE,
BEHIND SHANIMAHATHMA TEMPLE,
BENGALURU SOUTH TALUK,
BENGALURU – 560 078.

3. SMT. DHANALAKSHMI,
W/O LATE MUNIRAJU,
AGED ABOUT 45 YEARS,
R/AT NO.238,
NEAR LAKSHMI TEMPLE,
J.P.NAGAR,
BENGALURU SOUTH TALUK,
BENGALURU – 560 078.
4. SRI. DEEPAK K. M.,
S/O LATE MUNIRAJU,
AGED ABOUT 23 YEARS,
R/AT NO.238,
NEAR LAKSHMI TEMPLE, J.P.NAGAR,
BENGALURU SOUTH TALUK,
BENGALURU – 560 078.
5. SRI. KARTHIK K. M.,
S/O LATE MUNIRAJU,
AGED ABOUT 21 YEARS,
R/AT NO.238,
NEAR LAKSHMI TEMPLE,
J.P.NAGAR,
BENGALURU SOUTH TALUK
BENGALURU – 560 078
6. SMT. D MANJULA,
D/O LATE DODDALAKKAPPA,
W/O JAGGANATH,
AGED ABOUT 41 YEARS,



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R/AT BANDEBOMMASANDRA,
DODDAGUBBI,
BANGALORE EAST TALUK,
BENGALURU – 562 149

...RESPONDENTS

(BY SRI. JAYAPRAKASH R.V, ADVOCATE FOR R1)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION/S IN THE NATURE OF CERTIORARI SETTING ASIDE THE IMPUGNED ORDER DATED 11.02.2026 PASSED BY THE XXIX ADDITIONAL CITY CIVIL & SESSIONS JUDGE, BENGALURU, IN O.S NO.624/2026 WHEREBY THE HON'BLE TRIAL COURT REFUSED TO GRANT AN INTERIM ORDER AGAINST DEFENDANTS, VIDE ANNEXURE-'A' ON APPLICATIONS FILED BY THE PETITIONERS UNDER ORDER-39 RULE-1 & 2 OF THE CPC. IA NO.1

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed seeking the following
prayer:

(a) Issue a Writ, Order or Direction/s in the nature of CERTIORARI setting-aside the impugned order dated 11.02.2026 passed by the XXIX Additional City Civil and Sessions Judge, Bengaluru, in O.S No. 624/2026 whereby the Hon'ble Trial Court refused to grant an interim order against Defendants, vide ANNEXURE-A' on , the Applications filed by the Petitioners under Order-39 Rule- 1 & 2 of the CPC. IA.NO. 1



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(b) Consequently, grant temporary injunction restrain the Respondents their henchmen or their agents not to disturb or dispossess the petitioner and his family members from the suit schedule property during pendency of the suit

(c) Consequently, Grant Temporary Injunction restraining the Defendants, their men, their agent/s, representative/s and /or any person/s acting under and/or through them from alienating, encumbering or creating any charge over the Schedule property, pending disposal of the suit.

(d) To grant such other relief or relief's as this Honble court deems fit to grant in the facts and circumstances of the case in the interest of justice and equity.

2. The petitioner has come before this court seeking to set aside the order dated 11.02.2026 in OS.No.624/2026 of the XXIX Addl. City Civil & Sessions Judge, Bangalore, wherein the trial court issued suit summons to the defendants in the IA filed seeking an ad-interim injunction. When that order was questioned before this court, a co-ordinate bench of this court, by order dated 12.02.2026, directed the parties not to alienate, encumber, dispose of, or create third-party rights over the suit schedule properties until the next date of hearing. That interim order has been continued from time to time.

3. Learned counsel appearing for the respondent filed a vacate petition and submits that when the court has issued only suit summons, that is not an order in the eye of the law. That



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cannot be questioned before this Court, and there cannot be any order of injunction in this writ petition with the prayer that is sought.

4. This Court has perused the order passed the trial court and also the order passed by the Co-ordinate Bench of this court in ***Dhalitha Vividha Gramodyoga Kaigarika Sahakara Sanga Niyamitha (R) Vs Samatha Sainika Dal SSD***, arising out of ***W.P.No.35488/2025(GM-CPC)dated 09.12.2025***, whereby Co-ordinate Bench of this Court has observed as follows:

"6. This Court does not find any need or necessity to issue notice to the respondent-defendant for the reason that the petitioner is questioning the non-passing of the order on the application in IA.No.1, wherein the trial Court has neither passed any order for grant of an ad interim ex parte order of temporary injunction or for rejection of the same.

7. When an application is filed under Order XXXIX Rules 1 and 2 of CPC by the plaintiff along with the plaint seeking an ad interim ex parte order of temporary injunction, it becomes the duty and obligation of the trial Court to consider the same and pass suitable orders either granting or rejecting the ad interim ex parte order of temporary injunction. This Court in the case of Karnataka State Cricket Association vs. Mr.Shashidhara A.V. in WP.No.33725/2025 [Decided on 17.11.2025] has made certain observations and guidelines as to how the trial Court has to deal with an



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application filed under Order XXXIX Rules 1 and 2 of CPC. It is not optional for the trial Court to merely issue notice to the defendant before passing an interim order of temporary injunction against the defendant.

8. The trial Court will also have to consider judgments of the Hon'ble Apex Court in the cases of Shiv Kumar Chadha vs. Municipal Corporation of Delhi and others reported in (1993)3 SCC 161, Time City Infrastructure and Housing Limited Lucknow vs. State of U.P. and Others reported in 2025 SCC Online SC 1674 and the judgment of the Coordinate Bench of this Court in the case of Vedant Fashions Pvt. Ltd., vs. Smt.Rajul Devi reported in 2014 SCC Online Kar 7191 while deciding the application under Order XXXIX Rules 1 and 2 of CPC.

9. It is brought to the notice of this Court that notice is yet to be served on the defendant. Therefore, it would be appropriate for this Court to direct the trial Court to decide the application either granting or rejecting an ad interim ex parte order of temporary injunction by providing proper reasons."

5. Whenever an application is filed seeking ad-interim injunction, the courts have to consider the same and pass orders in accordance with law. But just like that they cannot issue suit summons to the defendants. Now that has led to an order of injunction by this court and the matter is pending before this court.



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6. Considering the judgment of the Co-ordinate Bench of this Court in ***W.P.No.35488/2025(GM-CPC) dated 09.12.2025***, this court is passing the following:

ORDER

- i. The writ petition is ***disposed of*** directing the trial court to consider the I.A. on 02.09.2026, if it is not possible on that day within 3 days from that day.
- ii. The petitioner is having an interim order from 12.02.2026 that shall be inforce.
- iii. This interim order is granted by a co-ordinate bench of this court dated 12.02.2026, without recording any reasons, there is no appreciation on the merits of the matter.
- iv. The court uninfluenced by any of the interim order that is granted by the court, shall decide the application in accordance with law.
- v. Pending IAs., in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS,List No.: 1 Sl No.: 55