



CNR: KAHC010122542026

NC: 2026:KHC:39495
MFA No. 1307 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 1307 OF 2026 (CPC)

BETWEEN:

MR RANJIV KUMAR VERMA
AGED MAJOR
M/S DESIGN AND SOURCE LLP
NO.21, 2ND FLOOR,
SWARAJ BUILDING MES ROAD
MUTHYALANAGAR RING ROAD,
BENGALURU - 560 054

RESIDING AT NO. 31 VERMA NIVAS,
III CROSS, VEERA BHADRASWAMY LAYOUT,
VIDYARANTAPURA,
BENGALURU - 560 034

...APPELLANT

(BY SRI. VIDYADHAR DURGEKAR, ADVOCATE)

AND:

1. MR ANIL KUMAR GIRIYAPPA
AGED MAJOR
S/O NOT KNOWN
VIGNESH RESIDENCE
NO.102, 2ND CROSS,
SHANTIVANA KODIGEHALI MAIN ROAD
SAHAKARNAGAR
BENGALURU - 560 092


Digitally signed
by
GAVRIBIDANUR
SUBRAMANYA
GUPTA
SREENATH
Location: HIGH
COURT OF
KARNATAKA



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2. MR JAYARAMAN
AGED MAJOR
C/O V S GLOBAL VENTURES PTE LTD
06-312, THE PLAZA
7500A, BEACH ROAD,
SINGAPORE

...RESPONDENTS

THIS MFA IS FILED U/O. 43 RULE 1(r) OF THE CPC,
AGAINST THE ORDER DATED 04.12.2025 PASSED ON IA NO.1
IN O.S.NO.8313/2025 ON THE FILE OF THE XXIX ADDITIONAL
CITY CIVIL AND SESSIONS JUDGE, BENGALURU, ISSUING
EMERGENT NOTICE ON IA.NO.1 FILED U/O 39 RULE 1 AND 2
OF CPC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

Heard learned counsel for the appellant.

2. This appeal is preferred by the appellant who is
the plaintiff in OS.No.8313/2025 challenging the order
dated 04.12.2025 passed on IA.No.1 by the XXXIX
Additional City Civil and Sessions Judge, Bengaluru.



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3. The appellant filed suit against the respondent/defendant for the relief of damages for a sum of Rs.1,50,00,000/- and also sought a decree of permanent injunction. Along with the suit, an application came to be filed under Order XXXIX Rule 1 and 2 read with Section 151 of CPC, whereby the appellant sought for an ad-interim order of temporary injunction restraining the defendants, their men, agents and servants from physical abusing or sending emails or any social media messages against the plaintiff defaming him or his company till the disposal of the suit.

4. Upon hearing the plaintiff on the application - IA.No.1, the trial Court has noted down the contentions of the plaintiff and came to the conclusion that plaintiff failed to prove prima facie case and balance of convenience in his favour to allow ad-interim ex-parte injunction in favour of him and further came to the conclusion that the plaintiff has not made out a prima facie case at this stage for grant



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of ad - interim relief as prayed in IA No. 1. Hence, it did not warrant grant of an ad interim injunction against the respondent/defendant as prayed in IA No.1 and issued emergent notice on IA.No.1 along with a suit summons to the respondent/defendant.

5. It is the grievance of the appellant/plaintiff that he is a proprietary/director of the business concern namely Design and Source LLP on the second floor, Saraj Building, MES Road, Muthyalanagar, Ring Road, Bangalore - 560054. Plaintiff is also an authorized agent of the March29 Textile and Garment Joint Stock Company, a Vietnam company to represent their company in India in the garment business. Thus, the plaintiff has built his goodwill and reputation in the market through years of hard work, honesty and dedication. It is also contended that the plaintiff has acquired substantial amount of his reputation due to his writings and services to the public. Plaintiff had started the company in the year 2021. The



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respondent was an acquaintance of plaintiff in the earlier days and the plaintiff had permitted the respondent to sit in office who has misused the goodness and relationship maintained by the plaintiff and in the absence of the plaintiff, the respondent has slowly got acquainted with the business, collected information and started sending emails directly to the clients of the plaintiff, thereby tarnishing the image of the plaintiff. Therefore, he sought an order of ad-interim temporary injunction. The trial Court, instead of considering the application on merits, merely has stated that no prima facie case is made out and ordered the issuance of notice.

6. This Court does not find the need to issue notice to the respondent for the reason that the respondent has not been served before the trial Court, as it was an order passed in the absence of respondent. It is seen by this Court that when an application is filed under Order XXXIX Rule 1 and 2 read with Section 151 of CPC,



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when notice is issued on said IA, the same is not subject to the ambit of Order XLIII Rule 1(r), and the appeal would not be maintainable before this Court as any notice issued on IA No.1 under Order XXXIX Rule 3 is not amenable to the appeal jurisdiction under Order XLIII Rule 1 (r); where the application is not disposed but kept pending.

7. Be that as it may in the present facts and circumstances of the case, it appears there is some urgency shown by the plaintiff to consider his application expeditiously, urgently either by allowing it or rejecting it. Under the circumstances, this Court is of the opinion that the trial Court shall decide the application - IA.No.1 in an expeditious manner within a period of 15 days from the date of receipt of copy of the order. Accordingly, I pass the following order.



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ORDER

i. The appeal is ***dismissed as not maintainable.*** However, considering the facts and circumstances of the case and the urgency shown by the appellant/plaintiff, the trial Court shall decide the application if notice is not served to the respondent by a considered reasoned order within a period of 15 days from the date of receipt of copy of the order.

ii. In case the notice is already served, the said application shall be decided upon, accepting the objections, if any, of the respondent within a period of 15 days, from the date of receipt of copy of the order.

iii. Ordered accordingly.



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iv. It is made clear this Court has not expressed any opinion on the merits of the application or the main case.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 10