



CNR: KAHC010197762026

NC: 2026:KHC:45826
WP No. 9154 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 9154 OF 2026 (GM-CPC)

BETWEEN:

M/S MAYA HOTELS PVT LTD
REGISTERED UNDER COMPANY'S ACT
(NO. 08/10878 OF 1990-91)
REP. BY MS THIRTHA KUMARASWAMY
AGED 70 YEARS
DIRECTOR
NO.52/1 CHURCH STREET
BENGALURU - 560 001

...PETITIONER

(BY SRI. S. VENKATESHWARAN, ADVOCATE)

AND:

1. CORPORATION BANK
(NOW UNION BANK OF INDIA)
SHANTHINAGAR BRANCH
NO.26, K.H. ROAD
BANGALORE - 560 027
2. SENIOR SUB- REGISTRAR
3RD FLOOR MONARCH CHAMBERS
INFANTRY ROAD SHIVAJINAGAR
BANGALORE - 560 001

...RESPONDENTS

(BY SRI. DHYAN CHINNAPPA, SENIOR COUNSEL FOR
SRI. VINAY KUMAR V.R., ADVOCATE FOR R1
SRI. SANJAY YADAV B., AGA FOR R2)

Digitally signed
by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



CNR: KAHC010197762026

NC: 2026:KHC:45826
WP No. 9154 of 2026

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA OR UNDER SECTION 115 OF THE CODE OF CIVIL PORCEDURE, 1908, PRAYING TO 1. ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER IN DIRECTING THE LEARNED TRAIL COURT CONSIDERING THE GRANTING INTERIM STAY AS PRAYED BY THE PETITIONER/PLAINTIFF UNDER ORDER 39 RULE 1 AND 2 IN O.S.NO.1128/2026 IN THE INTEREST OF JUSTICE ETC.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed questioning the order passed in O.S. No.1128/2026 dated 11.03.2026, whereby the XXXV Additional City Civil and Sessions Judge, Bengaluru (for short, 'Trial Court') has issued suit summons to the defendants and directed the matter to be called on 15.04.2026. Hence, the petitioner has approached this Court.

2. A Co-ordinate Bench of this Court has passed an order dated 02.04.2026, which reads as under:

"I.A.No.2/2026 is filed seeking dispensation of production of certified copy of Annexures-A and B.

Perused the affidavit filed in support of the applications.



CNR: KAHC010197762026

For the reasons stated in the accompanying affidavit, production of the certified copy of Annexures-A and B is dispensed with for the present, subject to the condition that same shall be furnished within a period of two weeks.

Application stands disposed of.

Heard.

Issue notice to the respondents.

Parties are directed to maintain status-quo in respect of the suit schedule property, till next date of hearing."

That said order has been extended from time to time. The vacate petition is filed by the respondent-Bank.

3. The learned counsel appearing for the petitioner submits that when an application was filed bringing to the Court's notice that the sale had already been conducted and the sale certificate had been issued, despite orders having been passed by the DRAT and this Court, several illegalities and irregularities had occurred from the conduct of the auction, the fixing of the sale price, and in every aspect of the proceedings. In those circumstances, he has approached the Trial Court by filing the suit, and the Trial Court, without granting the ad-interim injunction sought, has issued the suit summons.



4. It is submitted that he has also referred to several proceedings pending before the DRT and to the orders passed by the DRT. It is submitted that, considering all these aspects, the Co-ordinate Bench of this Court has granted an order of status quo, that the said order of status quo cannot be vacated, and that there may be a direction to the Trial Court to pass appropriate orders.

5. Learned Senior Counsel representing the Bank submits that the auction was conducted in 2015 and the sale certificate was issued in 2015. The petitioner has approached the DRT, DRAT, and this Court, and a Division Bench of this Court dismissed the writ petition by order dated 17.11.2021 in W.P. No.14083/2020. It is submitted that, in fact, when the earlier writ petition was filed before this Court, i.e., W.P. No.6820/2025, seeking directions to the respondents to adhere to the law of the land while conducting the public auction to obtain a competitive price for the scheduled property and to quash the sale certificate issued to the single bidder, the said writ petition was dismissed by order dated 14.10.2025, wherein this Court observed that, looking at the manner in which the



petitioner has approached the Court with successive petitions, it is nothing but a pure abuse of the process of law. Access to justice does not include a right to misuse the justice delivery system. It has been consistently held that litigation filed with an ulterior motive deserves to be dismissed with costs. Accordingly, the writ petition was dismissed with costs of Rs.1,00,000/- payable to the High Court Legal Services Authority. It is submitted by the learned Senior Counsel that, one after the other, several writ petitions have been filed, and thereafter, before this Court, an order of status quo has been passed.

6. In response, learned counsel for the petitioner submits that several irregularities have occurred. He has stated that the mortgage document is bound, and several contentions have been raised by the learned counsel for the petitioner.

7. This Court is not inclined to delve into these aspects, as this Court is of the view that when the suit summons are issued by the Trial Court without considering an application for an ad-interim injunction, the only course available to the High Court is to direct the Trial Court to



consider the application. When an injunction is sought, the three ingredients, namely, prima facie case, balance of convenience, and irreparable loss, must be discussed, and findings must be recorded on each. Without recording such findings, neither the High Court nor the Trial Court can grant an injunction.

8. Then, coming to the facts of the case, the impugned order before this Court is only the suit summons that have been issued. In fact, the Trial Court has directed that the suit summons be issued and the matter be listed on 15.04.2026. By this time, the Court would have heard the matter and passed appropriate orders, but for the writ petition pending before this Court.

9. Hence, this Court is of the view that directing the trial court to consider the petitioner's application would serve the purpose. In that view of the matter, this Court is passing the following:



CNR: KAHC010197762026

NC: 2026:KHC:45826
WP No. 9154 of 2026

ORDER

- i. Accordingly, the writ petition is ***disposed of***, directing the trial Court to consider the application filed by the petitioner seeking ad-interim injunction within a period of 15 days from the date of receipt of the copy of the order.
- ii. All questions are left open to the parties to submit before the court.
- iii. Pending IAs, if any, shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

SMC
List No.: 1 Sl No.: 15