



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF MAY, 2026

BEFORE

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

WRIT PETITION NO. 9383 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. LIKHITHA K R
PROPREITRIX, POLYTECH SOLUTIONS,
D/O SRI. K. RAGHAVA RAO
AGED ABOUT 30 YEARS,
R/A NO. 4321, 17TH MAIN ROAD,
V.B.S. B.C.S LAYOUT,
KUNDINYA CONVENTION HALL,
GIRINAGARA
BENGALURU-85

...PETITIONER

(BY SRI. VIKRAM HUILGOL, SR.COUNSEL FOR
SRI. R. HEMANTH RAJ.,ADVOCATE)

AND:

1. SRI. MAHADEVA D
S/O LATE DEVARAJ
AGED ABOUT 54 YEARS,
PROPRIETOR, M.S FOOD AND BEVERAGES,
AND MS BEVERAGES.
R/A VIJIPURA TOWN BYPASS ROAD,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT 562135
2. SMT. HEMALATHA,
W/O MAHADEVA D
AGED ABOUT 40 YEARS,
R/A VIJIPURA TOWN BYPASS ROAD,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT 562135

...RESPONDENTS

(BY SRI. C.M NAGABHUSHAN, ADVOCATE FOR
SRI. MUNIRAJ GOWDA V.,ADVOCATE)



THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO RESTRAIN THE RESPONDENTS AND THEIR AGENTS FROM EVICTING THE PETITIONER FROM SCHEDULE A AND B PROPERTIES AND DIRECT/RESTRAIN THEM NOT TO DISTURB THE MANUFACTURING ACTIVITIES CONDUCTING/CARRIED OUT BY THE PETITIONER ON THE GUISE OF ALLEGED SETTLEMENT DEED DATED 10.03.2026 PRODUCED AS ANNEXURE-E IN THE WRIT PETITION AND ETC.

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

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

ORAL ORDER

In this petition, the petitioner seeks the following reliefs.

“It is respectfully submitting that this Hon’ble Court may be pleased to:

a. Restrain the respondents and their agents from evicting the petitioner from schedule ‘A’ and ‘B’ properties and direct/restrain them not to disturb the manufacturing activities conducting/carried out by the petitioner on the guise of alleged settlement deed dated 10.03.2026 produced as Annexure-E in the writ petition;

b. To quash the order dated 10.03.2026 passed by the Additional Civil Judge and JMFC, Devanahalli, in O.S.No.98/2026 dated 10.03.2026 as produced in Annexure-D in the interest of justice and equity.”

2. Heard learned Senior Counsel for the petitioner, learned Counsel for the respondents and perused the material on record.



3. A perusal of the material on record would indicate that the petitioner/ plaintiff instituted suit in O.S No.98/2026 against the respondents/ defendants for permanent injunction and other reliefs in respect of the suit schedule immovable property. Along with the suit, the petitioner/ plaintiff having filed an application for temporary injunction, the trial Court declined to grant an ad interim ex-parte order of temporary injunction and instead directed issuance of emergent notice and suit summons to the defendants. Aggrieved by the impugned order passed by the trial Court dated 10.03.2026, declining to grant an ad-interim ex-parte order of temporary injunction, the petitioner is before this Court by way of the present petition.

4. When the matter came up before this Court on 25.03.2026, this Court passed the following interim order:

“I.A.No.1/2026 is filed seeking dispensation of production of certified copy of Annexure-D.

Perused the affidavit filed in support of the applications.

For the reasons stated in the accompanying affidavit, production of the certified copy of the Annexure-D 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.

Issued notice to the respondents.

Respondents are hereby directed not to evict the petitioner from the suit schedule properties till the next date of hearing.

Liberty is reserved to the respondents to file an application seeking for modification or vacation of the interim order.”

5. Though several contentions have been urged by both sides in support of their respective claims, it is a matter of record and an undisputed fact that the suit is posted before the trial Court on 04.06.2026. In this context, learned counsel for respondents/defendants submits that they would enter appearance in the suit on 04.06.2026 and file written statement, objections, documents etc. before the trial Court on that day without seeking any adjournments under any circumstances whatsoever.

6. The submission is placed on record.

7. As stated supra the application filed by the petitioner/plaintiff under Order XXXIX Rule 1 and 2 CPC is still pending for consideration and the same has not been disposed of by the trial Court, even till today and the matter stands posted before the trial



Court on 04.06.2026. Under these circumstances, without expressing any opinion on the merits/ demerits of the rival contentions, I deem it just and appropriate to dispose of this petition by issuing certain directions to the Trial Court.

ORDER

- i. The petition is hereby ***disposed of***.
- ii. The respondents/ defendants are directed to enter appearance in the suit in O.S.No.98/2026 before the trial Court on 04.06.2026 and file objections, written statement, documents etc., on that day without seeking extension of time under any circumstances whatsoever.
- iii. Immediately upon the respondents/ defendants entering appearance, filing objections, written statement, documents etc., as stated supra, the trial Court shall consider and pass appropriate orders on IA No.I for temporary injunction filed by the petitioner/ plaintiff on merits in accordance with law within a period of one month from 04.06.2026.
- iv. In addition thereto, having regard to the aforesaid interim order passed by this Court on 25.03.2026, the parties are directed to maintain status quo in all respects as on today in relation to the suit



schedule property till disposal of IA No.I by the trial Court.

- v. It is however made clear that the trial Court shall dispose of IA No.I without being influenced by the findings and observations, if any, recorded by this Court in the interim order or the present order.
- vi. 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.

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

PKN
List No.: 1 SI No.: 112