



CNR: KAHC010302042026

NC: 2026:KHC:47110
WP No. 13409 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 13409 OF 2026 (GM-CPC)

BETWEEN:

SRI D N DEVARAJ
S/O LATE NARAYANAPPA,
AGED ABOUT 48 YEARS,
DANAVALLI VILLAGE,
NARASAPURA HOBLI,
KOLAR TALUK AND DISTRICT
KOLAR - 563 101

...PETITIONER

(BY SMT. ANANYA M., ADVOCATE FOR
SRI. V.G. BHANUPRAKASH, ADVOCATE)

AND:

1. SMT PRAMALEELAMMA
W/O LATE NANJANGUND
AGED ABOUT 43 YEARS
2. PRAKASH
S/O LATE MUNISHAMAYYA
AGED ABOUT 40 YEARS

BOTH ARE RESIDENTS OF
DANAVALLI VILLAGE,
KOLAR TALUK
KOLAR - 563 101

...RESPONDENTS

(BY SRI. VEERAYYA HIEMATH, ADVOCATE FOR R1 AND R2)

Digitally
signed by
SUVARNA T
Location
HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:47110
WP No. 13409 of 2026

CNR: KAHC010302042026

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO (I) CALL FOR RECORDS IN O.S.NO.340/2026 PENDING ON THE FILE OF THE COURT OF PRINCIPAL CIVIL JUDGE AND JMFC, KOLAR. (II) SET ASIDE THE ORDER PASSED BY THE HONBLE MAGISTRATE VIDE ORDER DATED 17.04.2026 PASSED ON I.A.NO.1 FILED UNDER SECTION 151 AND ORDER 39 RULE 1 AND 2 OF CPC PENDING ON THE FILE OF THE HON'BLE PRINCIPAL CIVIL JUDGE AND JMFC, KOLAR (ANNEXURE-A).

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The writ petition is filed challenging the order dated 17.04.2026 passed on I.A. No. 1 in O.S. No. 340/2026 by the Principal Civil Judge and JMFC, Kolar, whereby suit summons were issued to the defendants, returnable on 04.06.2026.

2. A Co-ordinate Bench of this Court had granted an interim order directing the parties to maintain *status quo* in respect of the suit schedule property till the next date of



CNR: KAHC010302042026

hearing. The said interim order has been continued from time to time.

3. When the matter came up for consideration, learned counsel for the petitioner sought time, submitting that the arguing counsel is unwell.

4. Learned counsel for the respondents submits that an interim order has been granted and that the order impugned is only the issuance of suit summons.

5. Learned counsel for the petitioner has relied on 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



CNR: KAHC010302042026

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 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.



CNR: KAHC010302042026

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."

6. Having heard the learned counsel for the petitioner, perused the entire material on record. This Court has disposed of several writ petitions directing the Trial Courts to expeditiously dispose of the pending applications. In view of the order passed by the Co-ordinate Bench of this Court in ***W.P. No.35488/2025 (GM-CPC)*** dated ***09.12.2025***, this Court deems it appropriate to pass the following:

ORDER

- i. Accordingly, the writ petition is ***disposed of***, directing the Trial Court to dispose of the I.A No.1 within a period of one week from the date of receipt of the copy of the order.
- ii. The petitioner is at liberty to advance the matter before the Trial Court.



CNR: KAHC010302042026

NC: 2026:KHC:47110
WP No. 13409 of 2026

- iii. As the petitioner had the benefit of the interim order from 25.04.2026, the said order shall continue till the Trial Court passes orders on I.A. No.1.
- iv. Pending I.As., if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

SMC
List No.: 1 Sl No.: 76