



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 15489 OF 2026 (GM-CPC)

BETWEEN:

M/S WISETREE CAPITAL
PVT. LIMITED
A COMPANY REGISTERED
UNDER THE COMPANIES ACT, 2013.
REPRESENTED BY ITS DIRECTOR,
S/O LATE KOTI REDDY GALI
SREENIVASA REDDY GALI
L2-5022, SOBHA IRIS APARTMENTS,
DODDAKANNELI, DEVARABESANAHALLI,
BANGALORE-560 103

...PETITIONER

(BY SRI. S SUDHARSAN, ADVOCATE)

AND:

1. SIC STOCKS AND SERVICES
PVT. LIMITED
1301 AND 1302, PRESTIGE MERDIAN
II, M.G ROAD
BANGALORE-560 001
REPRESENTED BY
MANAGING DIRECTOR
MR.SIDHARTH HANDA
2. BSE LIMITED
AT PHIROZE JEEJEEBHAY TOWERS,
DALAL STREET, FORT,
MUMBAI -400 001,
MAHARASHTRA, INDIA
REGIONAL OFFICE-



SHREE RAGHAVENDRA COMPLEX,
NO.184, 3RD FLOOR, MALLESHWARAM,
BENGALURU-560 003

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF CONSTITUTION OF INDIA, PRAYING TO DIRECT, QUASHING THE IMPUGNED COMMON ORDER DATED 16.04.2026 PASSED BY THE CCH 87 ADDL. CITY CIVIL AND SESSIONS JUDGE AT BANGALORE (COMMERCIAL COURT), IN COM. O.S. NO. 572/2026 ANNEXURE-E.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 16.04.2026 in I.A.Nos.1 to 3 of 2026 in COM.O.S.No.572/2026 by Addl. City Civil and Sessions Judge at Bengaluru, the petitioner/plaintiff is before this Court.

2. Learned counsel appearing on behalf of the petitioner/plaintiff submits that when an IA is filed seeking injunction, if the petitioner is not entitled for injunction, the Commercial Court ought to have passed an order on the merits of it. But the Commercial Court cannot issue summons without passing any order on the application. He has relied on order passed by Co-ordinate Bench of this Court in ***Dhalitha Vividha***



**GramodyogaKaigarikaSahakara 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 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."

3. In the light of the order referred to Supra, this Court deems it appropriate to pass the following:

ORDER

- i. Accordingly, the writ petition is ***disposed of*** directing the Commercial Court to consider I.A.Nos.1 to 3 of 2026 in accordance with law within a period of one week from the date of receipt of the copy of the order, notwithstanding the fact that the suit summons are not served on the defendants.
- ii. Pending IAs., if any, shall stand closed.

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