



CNR: KAHC010385632026

NC: 2026:KHC:36207
WP No. 17663 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 17663 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. JAYANTHI SESHARI,
AGED ABOUT 62 YEARS,
W/O DR.LT, N.K. SESHADRI,
RESIDING AT 135,
SAINIKPURI ENCLAVE,
K.NARAYANAPURA,
BANGALORE - 560 077.
2. DR.LT.COL.SESHADRI N.K.,
AGED ABOUT 65 YEARS,
S/O COL.N.K.NARASIMHAN,
RESIDING AT 135,
SAINIKPURI ENCLAVE,
K.NARAYANAPURA,
BANGALORE - 560 077.

...PETITIONERS

(BY SRI. RENSPRE PRITHESH DSOUZA., ADVOCATE)

AND:

SAINIK PURI WELFARE ASSOCIATION,
REP. BY ITS PRESIDENT,
NO.134, SAINIKPURI ENCLAVE,
K NARAYANAPURA CROSS,

Digitally signed
by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA



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KOTHANUR POST,
BENGALURU - 560 077.
REGISTERED UNDER
KARNATAKA SOCIETY REGISTRATION ACT.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO A) ISSUE A WRIT OF
CERTIORARI TO QUASH THE ORDER DATED 29/5/2026 ON
I.A.I UNDER ORDER XXXIX RULE 1 TO 3 R/W SEC 151 OF CPC
IN O.S. NO.3654/2026 ON THE FILE OF THE HON'BLE XCI
ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU
(CCH-92) NOW PENDING BEFORE THE HON'BLE XLII
ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU
(CCH-43) VIDE ANNEXURE-A AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

This petition is filed, aggrieved by the Order dated
29.05.2026, passed in O.S.No.3654/2026 by the XCI
Additional City Civil and Sessions Judge, Bangalore,
whereby the Court issued suit summons to the defendants
without considering I.A. seeking an ad-interim injunction.



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2. Learned counsel for the petitioner submits that when an I.A. is filed seeking an ad-interim injunction, the Court shall consider the application on its merits and cannot adjourn the matter. If the parties are aggrieved by any order, they would get an opportunity to question the same, and issuance of summons without considering the I.A. is bad in law. He has relied on the 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 the 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



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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. Having heard learned counsel for the petitioner and considering the order that is passed in W.P.No.35488/2025, this Court is passing the following;

ORDER.

- (i) The Trial Court is directed to pass orders on I.A.No.2 in O.S.No.3654/2026, within one



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week from the date of receipt of the copy of the order, notwithstanding the fact that the notice is not served on the defendants.

(ii) The petitioner is at liberty to seek for advancement of the matter.

(iii) Accordingly, the writ petition is ***disposed of.***

(iv) Pending I.As, in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MKM
List No.: 1 Sl No.: 10