



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 18348 OF 2026 (GM-CPC)

BETWEEN:

SRI SANDEEP LALWANI
AGED ABOUT 43 YEARS,
S/O SRI. NARAMULLA JAIN
RESIDING AT OLD NO.2,
NEW NO. 28, VINAYAKA MAINSTRY STREET,
SOWCARPET, CHENNAI - 600 079

...PETITIONER

(BY SRI. NIRUPAN GOWDA H.N., ADVOCATE)

AND:

1. SRI ANTONY RAJ
MAJOR IN AGE
PH 9886262533
2. SRI ABRAHAM (ABBU)
MAJOR IN AGE
PH 9845449066
3. SRI DOMINIC
MAJOR IN AGE
PH 9845520811
4. SRI S SUNIL
MAJOR IN AGE
PH 9845605613





ADDRESS AT, HALLEHALLI VILLAGE,
BIDARAHALLI HOBLI,
BANGALORE EAST TALUK.

ALSO AT, NO.66,
THAMBU CHETTY PALYA MAIN ROAD,
ANANDAPURA, K.R. PURAM,
BANGALORE - 560 036

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, DIRECTION OR ORDER TO SET ASIDE THE ORDER DATED 13.05.2026 ON I.A NO.2 PASSED IN V. O.S NO. 70 OF 2026 PASSED BY THE HON'BLE ADDITIONAL DISTRICT AND SESSIONS JUDGE, FTSC - II, BENGALURU RURAL DISTRICT (VACATION JUDGE) AND ORDER DATED 03.06.2026 PASSED IN THE RENUMBERED O.S. NO. 1074/2026 BY THE HON'BLE IV ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT (ANNEXURE - A) 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

The present writ petition is filed seeking the following prayers:

"A. Issue a Writ of Certiorari or any other appropriate Writ, Direction or Order to set aside the Order dated 13.05.2026 on I.A No.2 passed in O.S No. 70 of 2026 passed by the Hon'ble



Additional District and Sessions Judge, FTSC II, Bengaluru Rural District (Vacation Judge) and Order dated 03.06.2026 passed in the renumbered O.S. No. 1074/2026 by the Hon'ble IV Additional Senior Civil Judge, Bengaluru Rural District (Annexure - A);

B. As a consequence of the prayer-A, issue a writ, order, or direction directing the Respondents, their agents, officers, henchmen or any other person acting through or claiming under them to maintain Status Quo in respect of the Schedule Property, till disposal of I.A. No.2 presently pending in O.S No. 1074 of 2026 before the IV Additional Senior Civil Judge, Bangalore Rural District, at Bangalore (Annexure R);

C. Grant such other reliefs as this Hon'ble Court deems fit in the above circumstances of the case, in the interests of justice and equity."

2. Learned Senior Counsel representing learned counsel for the petitioner submits that when an application seeking an ad-interim injunction is filed, the Court ought to have considered the same on the merits. But, in the present case, the Trial Court has issued suit summons, returnable by 03.06.2026. It is submitted that the matter is now posted to 05.08.2026.



3. In support of his submission, learned Senior Counsel places reliance 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***, wherein the Co-ordinate Bench 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."

4. Considering the urgency as putforth by the learned Senior Counsel and in the light of the order passed in ***W.P.No.35488/2025(GM-CPC)*** referred *supra*, this matter is ***remanded back*** to the Trial Court directing the Trial Court to



consider I.A. No.II filed by the petitioner in accordance with law.

5. Hence, this Court is passing the following:

ORDER

- i. The order dated 13.05.2026 passed in I.A. No.II in O.S.No.70/2026 on the file of the Additional District and Sessions Judge, FTSC-II, Bengaluru Rural District, is ***set aside*** and the matter is ***remanded back*** to the trial Court.
- ii. It is directed to the Trial Court to consider I.A. No.II filed by the petitioner on its merits, in accordance with law, within a period of one week from the date of receipt of the copy of the order.
- iii. Notwithstanding the fact, whether the suit summons are served on the defendants or not, the Trial Court shall consider the said application in accordance with law.
- iv. The petitioner is at liberty to move the Court to advance the matter.



- v. Accordingly, the writ petition is ***disposed of***
- vi. Pending IAs, if any, in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

SMC
List No.: 1 Sl No.: 21