



CNR: KAHC010410152026

NC: 2026:KHC:37270
WP No. 18736 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 18736 OF 2026 (GM-CPC)

BETWEEN:

SRI. SYED ZAMIN RAZA,
AGED ABOUT 60 YEARS,
S/O SYED SAKAVATH HUSSAIN,
R/AT ALIPURA VILLAGE,
THONDEBHAVI HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPUR DISTRICT - 561 208.

...PETITIONER

(BY SRI. SHEKARAPPA., ADVOCATE)

AND:

1. SMT. SUJATHA G SHETTY,
AGED ABOUT 68 YEARS,
W/O. GOPALAKRISHNA SHETTY,
NO.F-552, 12TH CROSS,
B.E.L. LAYOUT, MAGADI MAIN ROAD,
BENGALURU - 560 091.
2. SRI. MANJUNATH PUNAM,
AGED ABOUT 60 YEARS,
S/O. S. NANJAPPA,
NO.979, PUNAM MANDARA PAINT,
PUNAM MAHAL ROAD, HOYSALA CIRCLE,
KENGARI, BENGALURU - 560 060.



CNR: KAHC010410152026

NC: 2026:KHC:37270
WP No. 18736 of 2026

3. SRI. MANJUNATHA,
S/O LATE GANKAR NARASIYAPPA,
AGED ABOUT 57 YEARS,
R/AT JODIBISALAHALLI VILLAGE,
HOSURU HOBLI,
GOWRIBIDANUR TALUK,
CHIKKABALLAPURA DISTRICT - 561 208.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) CALL FOR RECORDS AND ISSUE A WRIT OF CERTIORARI OR ANY WRIT OR SET-ASIDE THE ORDER DATED 18.03.2026, PASSED IN O.S.NO.238/2026, ON THE FILE OF ADDL CIVIL JUDGE AND JMFC AT GOWRIBIDANUR, VIDE ANNEXURE - A AND CONSEQUENTLY ALLOW THE SAID APPLICATION I.A.NO.1 FILED UNDER ORDER 39 RULE 1 AND 2 BY THE PETITIONER, BY ALLOWING THE ABOVE WRIT PETITION 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

The present writ petition is filed aggrieved by the order dated 18.03.2026. passed in OS.No.238/2026 by the Additional Civil Judge and JMFC, Gouribidanur, Chikkaballapur, the petitioner is before this Court. Whereby the trial Court has



CNR: KAHC010410152026

NC: 2026:KHC:37270
WP No. 18736 of 2026

issued emergent notice on I.A.No.1 along with suit summons to the defendants.

2. It is submitted that when the petitioner has filed an application under Order XXXIX Rule 1 and Rule 2 of CPC, seeking interim injunction, without passing any orders on the merits of it, the trial Court has issued suit summons.

3. It is submitted by the learned counsel that if the application is considered and if orders are passed on the merits of it, they would get an opportunity to question these orders. But the trial Court ought not to have ordered suit summons.

4. He has relied on order passed by the Co-ordinate Bench of this Court in the case of ***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.



CNR: KAHC010410152026

NC: 2026:KHC:37270
WP No. 18736 of 2026

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."

5. It is submitted that when I.A is filed seeking an interim injunction, the trial Court ought to have considered it on the merits of the matter without issuing summons to the other side.



**NC: 2026:KHC:37270
WP No. 18736 of 2026**

6. In the light of the submissions made by the learned counsel for the petitioner and considering the order passed by the Co-ordinate Bench of this court, this court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***disposed of***, directing the trial Court to consider I.A.Nos.1 and 2 within a period of one 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. Pending IAs., if any, shall stand closed.

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

BH
List No.: 1 Sl No.: 21