



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 18786 OF 2026 (GM-CPC)

BETWEEN:

SRI R LAKSHMAIAH
S/O LATE RANGANARAYANAPPA,
AGED ABOUT 76 YEARS,
R/AT. NO.65/2, SRINIVASAPURA VILLAGE,
K. GOLLAHALLI POST, KENGERI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU-560 074.

...PETITIONER

(BY SRI. MADAN N., ADVOCATE FOR
SRI. P.N. NANJA REDDY, ADVOCATE)

AND:

1. SRI K.R. GOVINDARAJU
S/O LATE RANGANARAYANAPPA,
AGED ABOUT 76 YEARS,
R/AT. NO.2, SRINIVASAPURA VILLAGE,
K. GOLLAHALLI POST, KENGERI HOBLI,
BENGALURU SOUTH TALUK,
BENGALURU-560 074.
2. SRI K NAGESH,
S/O KRISHNE GOWDA,
AGED ABOUT 59 YEARS,
R/AT. NO.5, 15TH CROSS,
M.T.S LAYOUT, KENGERI SATELLITE TOWN,
BENGALURU-560 060.

...RESPONDENTS



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER QUASHING THE ORDER DATED 29.05.2026 PASSED BY THE VACATION JUDGE, BENGALURU RURAL ON I.A.NO.2 IN V.O.S.NO.207/2026 NOW TRANSFERRED TO PRINCIPAL SENIOR CIVIL JUDGE, BENGALURU RURAL IN O.S.NO.1123/2026 (ANNEXURE-C) AS THE SAME IS ILLEGAL, ARBITRARY AND CONTRARY TO THE DOCUMENTS PRODUCED IN THE SUIT AND WITHOUT THE AUTHORITY OF LAW 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 petitioner, who is the plaintiff in the suit, is aggrieved by the proceedings dated 29.05.2026 in O.S.No.207/2026, now transferred to the learned Principal Senior Civil Judge, Bengaluru Rural District, which has been renumbered as O.S.No.1123/2026, whereby the Trial Court issued suit summons to the defendants in I.A.No.II, filed by the petitioner seeking an ad-interim order of temporary injunction.

2. The petitioner herein has filed a suit for permanent injunction against the respondents herein and has also filed an I.A. No. II under Order XXXIX Rules 1 and 2 of the CPC, seeking an ad-interim order of temporary injunction.



3. It is submitted by the learned Counsel for the petitioner that when an application is filed seeking an ad interim injunction, the Trial Court must either grant an order or dismiss the application. But it cannot order summons to the respondents. Instead of granting an ad interim order of temporary injunction, the Court had issued summons to the respondents in I.A.No.II, returnable by 15.06.2026. However, it is submitted that no notice was issued to the respondents.

4. In this regard, reliance is placed on the order passed by a 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 of this Court 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."***

5. Considering the urgency as put forth by the learned counsel for the petitioner and in light of the order passed in W.P. No. 35488/2025 (GM-CPC) referred to supra, this matter is remanded to the trial court, directing it to consider I.A. No. II filed by the petitioner in accordance with law.

6. In that view of the matter, this Court is passing the following:

ORDER

- i. The order passed on I.A.No.II in O.S.No.207/2026 dated 29.05.2026 on the file of the VIII Additional District and Session Judge, Bengaluru Rural District, now transferred to the Principal Senior Civil Judge, Bengaluru Rural District, and



renumbered as O.S.No.1123/2026, is ***set aside***
and the matter is ***remanded back*** to the Trial
Court.

- ii. The Trial Court is directed to consider I.A.No.II filed
by the petitioner on its merits, in accordance with
law, within one week from the date of receipt of a
copy of this order.
- iii. Accordingly, the writ petition is ***disposed of.***
- iii. All I.As. in this writ petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE