



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 19139 OF 2026 (GM-CPC)

BETWEEN:

MR. ATIQ JAFFAR SAIT
S/O LATE MR. MD. JAFFAR SAIT,
AGED ABOUT 67 YEARS,
RESIDING AT: NO.7, PETTIGREW STREET,
BANGALORE-560 001.

...PETITIONER

(BY SMT. PRIYANKA YAVAGAL, ADVOCATE)

AND:

1. MRS. MILDRED MURTHY
W/O MR. MURTHY,
AGED ABOUT 70 YEARS,
HAVING ADDRESS AT:
SITE NO.13/2, ST. JOHNS CHURCH ROAD,
BHARATHI NAGAR,
SHIVAJINAGAR, WARD NO.91,
BANGALORE-560 001.

2. THE CHIEF COMMISSIONER
GREATER BANGALORE AUTHORITY,
HUDSON CIRCLE, N.R. SQUARE,
BENGALURU-560 002,
KARNATAKA.

...RESPONDENTS

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH AND SET
ASIDE THE ORDER DATED 16.06.2026 PASSED BY THE
LEARNED III ADDITIONAL CITY CIVIL AND SESSIONS JUDGE,



BENGALURU, ON I.A. NO.2 IN O.S. NO.4118/2026, PRODUCED
HEREIN AS 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

The petitioner is before this Court aggrieved by the order dated 16.06.2026 in I.A.No.2 in O.S.No.4118/2026 on the file of III Additional City Civil and Sessions Judge, Bengaluru, whereby the trial Court, without granting an ad interim injunction, has issued suit summons to the defendants, returnable by 25.06.2026. It is submitted that again the trial Court has adjourned the matter.

2. Learned counsel for the petitioner submits that when an application is filed seeking an ad-interim injunction, if the petitioner is entitled for an interim order, the trial Court shall pass the same. If the Court passes an order on their application, the petitioner would avail the appropriate remedy available to them. Learned counsel has relied on the order passed by 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 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 same, the trial Court ought to have considered IA No.2 on the merits of it, without issuing the summons.

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

ORDER.

- i. The writ petition is ***disposed of*** directing the trial Court to consider IA No.2 within a period of one week from the date of receipt of the copy of the order.
- ii. Not with standing the fact that, the respondents have entered appearance or filed their objections, IA No.2 shall be considered within a period of one week.
- iii. The petitioner is at liberty to advance the matter.
- iv. All I.As. in this writ petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE