



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 20212 OF 2026 (GM-CPC)

BETWEEN:

1. MS. ROSETTA C
D/O. LATE SRI. B. CHINNAPPA,
AGED ABOUT 43 YEARS,
RESIDING AT MESTRIPALYA,
SHIVARAMA KARANTHA NAGAR,
RACHENAHALLI VILLAGE, K.R. PURAM HOBLI,
BENGALURU - 560 077.
2. SMT. JYOTHI MARY
W/O. SRI. NITHYANAND,
D/O. LATE SRI. B. CHINNAPPA,
AGED ABOUT 47 YEARS,
RESIDING AT NO.87,
RACHENAHALLI MAIN ROAD,
NEAR CHURCH, MESTRIPALYA,
BENGALURU - 560 077.

...PETITIONERS

(BY SRI. ARUN K.S, ADVOCATE FOR
SMT. VINUTHA P. KALE, ADVOCATE)

AND:

1. SRI. SELVARAJU C
S/O. LATE SRI. B. CHINNAPPA,
AGED ABOUT 53 YEARS,



2. SMT. ANTHONY MARY
W/O. SRI. SELVARAJU C.,
AGED ABOUT 50 YEARS.
3. SRI. SUNIL KUMAR S.
S/O. SRI. SELVARAJU C.,
AGED ABOUT 27 YEARS
4. MS. SANJANA SISILYA S.
D/O. SRI. SELVARAJU C.,
AGED ABOUT 24 YEARS.
5. SRI. BHAGYAPPA BALARAJ C.
S/O. LATE SRI. B. CHINNAPPA,
AGED ABOUT 38 YEARS.
6. SMT. JEEVAN JARINA J.
W/O. SRI. BHAGYAPPA BALRAJ C,
AGED ABOUT 32 YEARS.
7. MISS. JACK QUEEN CLARE
D/O. SRI. BHAGYAPPA BALRAJ C.,
AGED ABOUT 12 YEARS.

SINCE MINOR, REPRESENTED BY HER
MOTHER SMT. JEEVAN JARINA J.
AS MINOR GUARDIAN.

RESPONDENTS NO.1 TO 7 ARE
RESIDING AT NO.87,
RACHENAHALLI MAIN ROAD,
NEAR CHURCH, MESTRIPALYA,
BENGALURU - 560 077.

...RESPONDENTS



THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO 1. ISSUE A WRIT OF CERTIORARI TO QUASH THE IMPUGNED ORDER DATED 04.06.2026 PASSED BY THE LEARNED I ADDL. SENIOR CIVIL JUDGE, BENGALURU RURAL AT BENGALURU IN O.S. NO.1071/2026 THEREBY ORDERING FOR ISSUANCE OF EMERGENT NOTICE ON I.A. NO.1 AND SUIT SUMMONS TO ALL THE DEFENDANTS VIDE ANNEXURE-B 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

1. The petitioners are aggrieved by the order on I.A.No.I dated 04.06.2026 in O.S.No.1071/2026 by the I Additional Senior Civil Judge, Bengaluru Rural District, Bengaluru, whereby learned Judge without passing an order on the interim injunction, has issued emergent notice on I.A.No.I and the suit summons to all the defendants.

2. Learned counsel appearing for the petitioners submits that the suit is for declaration and permanent injunction. The Court while issuing the suit summons has observed that the plaintiffs have to make out a prima facie



case that there is an imminent threat to the rights of the properties and the properties are in danger. Therefore, at this juncture, prima facie there are no grounds to grant an ad interim ex parte temporary injunction as prayed for and hence, the Court has issued emergent notice on I.A.No.I and suit summons to all the defendants.

3. Learned counsel appearing for the petitioners submits that by order of this nature, the Court cannot observe that there is no prima facie case as the order is bereft of reasons. It is submitted that the Court has failed to consider the application in its proper perspective.

4. Learned counsel for the petitioners 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:



HC-KAR

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"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. It is submitted that when an application is filed seeking ad interim injunction, the Court has to consider the same on the merits of the matter. But, by way of a cryptic order, the Court cannot give a finding that there is no prima facie case and the Court ought not to have issued the suit summons without considering the application.

6. Having heard the counsel for the petitioners, perused the material on record.



7. The Court has observed in the order impugned without giving any reasons that there is no prime facie case and issued suit summons to the respondents. When an I.A. is filed, the Court has to deal with it on the merits of it and the Court cannot give a finding by way of a cryptic order that there is no prima facie case.

8. In that view of the matter, this Court is passing the following;

ORDER

(i) The order on I.A.No.I dated 04.06.2026 in O.S.No.1071/2020 by the I Additional Senior Civil Judge, Bengaluru Rural District, Bengaluru is *set aside*.

(ii) The Trial Court shall consider I.A.No.I within one week from the date of receipt of the copy of the order.

(iii) The petitioner is permitted to make a mention seeking advancement of the matter.



(iv) Notwithstanding the fact that the suit summons are not served on the respondents, the Court shall hear the I.A.

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

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

GH
List No.: 1 Sl No.: 19