



CNR: KAHC010461832026

NC: 2026:KHC:42849
WP No. 20828 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 20828 OF 2026 (GM-CPC)

BETWEEN:

SRI N SREENIVASA
AGED ABOUT 66 YEARS,
S/O R. NARAYANA SHETTY,
R/AT NO. 296, 16TH CROSS,
SADASHIVANAGAR,
BENGALURU - 560 080

...PETITIONER

(BY SRI. SHERVIL ADAPPA, ADVOCATE)

AND:

1. SRI G SANTHOSH KUMAR
AGED ABOUT 35 YEARS,
S/O GOVINDARAJ V.,
R/AT NO. 207, 2ND H CROSS,
KAMMANAHALLI MAIN ROAD,
BENGALURU - 560 084
2. SRI. R. NARAYANA
AGED ABOUT 69 YEARS,
S/O LATE RAMAIAH,
R/AT NO. 204, 7TH CROSS,
NEAR WATER TANK,
GRUHALAKSHMI LAYOUT,
NELAGADARAHALLI, NAGASANDRA,
BENGALURU - 560 073

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HIGH COURT
OF
KARNATAKA



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3. SMT. MAHALAKSHAMMA
AGED ABOUT 45 YEARS,
W/O NARAYANA N.,
R/AT NO. 214/2,
NEAR GANGA INTERNATIONAL SCHOOL,
INDIRANAGARA, NAGASANDRA,
BENGALURU - 560 073
4. SRI. H. CHANDRASHEKAR
S/O HUCHAPPA,
AGED ABOUT 60 YEARS,
R/AT NO.03, MARUTHI LAYOUT,
NAGASANDRA,
BENGALURU - 560 073
5. SMT. VARALAKSHMI N.
AGED ABOUT 51 YEARS,
W/O H. CHANDRASHEKAR,
R/AT NO.03, MARUTHI LAYOUT,
NAGASANDRA,
BENGALURU - 560 073
6. M/S RAJSHEKAR DEVELOPERS PVT. LTD.
INCORPORATED UNDER THE COMPANIES ACT, 2013
REP. BY ITS DIRECTOR,
SRI. M. RAJASHEKARAIHAH
AGED ABOUT 66 YEARS,
S/O LATE MARULASIDDAIAH,
R/AT NO. 25, 1ST FLOOR,
HALAGEVADERAHALLI,
BEML 3RD STAGE,
RAJARAJESHWARI NAGAR,
BENGALURU - 560 098

...RESPONDENTS



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THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS IN O.S. NO.714/2025 PENDING ON THE FILE OF THE HON'BLE ADDL. SENIOR CIVIL JUDGE AND JMFC, MAGADI B. SET ASIDE THE IMPUGNED ORDER DATED 13.10.2025 AT ANNEXURE A PASSED IN O.S. NO.714/2025 PENDING ON THE FILE OF THE HON'BLE ADDL. SENIOR CIVIL JUDGE AND JMFC, MAGADI ETC.

THIS PETITION, COMING ON FOR ORDERS, 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 13.10.2025 passed on I.A. Nos.I and II in O.S. No.714/2025 by the Additional Senior Civil Judge and JMFC, Magadi, whereby the Trial Court failed to consider I.A. Nos.I and II filed by the petitioner-plaintiff seeking an ad-interim injunction.

2. Learned counsel for the petitioner submits that the suit was filed for specific performance and that the petitioner had filed applications seeking an ad-interim injunction against the defendants. It is contended that the Trial Court has failed



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to pass any order on the said applications and has issued summons to the defendants.

3. It is further submitted that when an application seeking an ad-interim injunction is filed, the Court ought to have considered the same.

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***, 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.

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



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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



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***interim ex parte order of temporary injunction
by providing proper reasons."***

5. Considering the submissions made 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. Nos.I and 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 dated 13.10.2025 passed on I.A. Nos.I and II in O.S. No.714/2025 on the file of the Additional Senior Civil Judge and JMFC, Magadi, is ***set aside.***
- ii. The matter is ***remanded back*** to the Trial Court and directing the Trial Court shall consider and dispose of I.A. Nos.I and II in accordance with law, within a period of one week from the date of receipt of the copy of this order.
- iii. Notwithstanding the fact as to whether notice has been served on the respondents or summons has



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been served on the defendants or not, the Trial Court shall consider the application in accordance with law.

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

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

SMC
List No.: 1 Sl No.: 13