



CNR: KAHC010465482026

NC: 2026:KHC:40732
MFA No. 5130 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 5130 OF 2026 (CPC)

BETWEEN:

1. LAHARI FILMS LLP
A LIMITED LIABILITY PARTNERSHIP
HAVING ITS REGISTERED OFFICE
AT 4TH FLOOR, TTMC, BMTC BUILDING,
YESHWANTHPUR CIRCLE
YESHWANTHPUR
BENGALURU, KARNATAKA - 560 022
REP. BY ITS DESIGNATED PARTNER,
MR. G. MANOHARAN GOVINDASWAMY
2. LAHARI RECORDING COMPANY PRIVATE LIMITED,
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT
4TH FLOOR, TTMC, BMTC BUILDING
YESHWANTHPUR CIRCLE,
YESHWANTHPUR, BENGALURU,
KARNATAKA - 560 022,
REP. BY ITS AUTHORISED SIGNATORY
MR. G. MANOHARAN GOVINDASWAMY
3. SRI. MANOHAR GOVINDASWAMY,
AGED ABOUT 70 YEARS,
DIRECTOR OF LAHARI RECORDING COMPANY
PRIVATE LIMITED AND DESIGNATED PARTNER OF
LAHARI FILMS LLP, HAVING OFFICE AT 4TH FLOOR,
TTMC, BMTC BUILDING

Digitally signed
by
GAVRIBIDANUR
SUBRAMANYA
GUPTA
SREENATH
Location: HIGH
COURT OF
KARNATAKA



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YESHWANTHPUR CIRCLE
YESHWANTHPUR, BENGALURU -560 022.

...APPELLANTS

(BY SRI.DHYAN CHINNAPPA, SENIOR COUNSEL FOR SRI.
BHARGAVA D BHAT.,ADVOCATE)

AND:

1. SRI L MANOHAR KRISHNA
S/O (LATE) N LAKSHMINARASIMHA MURTHY
AGED ABOUT 18 YEARS
R/AT NO. 404(336), 7TH MAIN ROAD
BHAVANI NAGAR, SUBRAMANYAPURA MAIN ROAD,
BANASHANKARI
BENGALURU -560 070.
2. KUMARI L SAMSKRUTHI,
D/O (LATE) N LAKSHMINARASIMHA MURTHY
AGED ABOUT 10 YEARS
SINCE MINOR
REP. (AS BEFORE THE TRIAL COURT)
BY HER BROTHER
SRI L MANOHAR KRISHNA
S/O (LATE) N LAKSHMINARASIMHA MURTHY
BOTH ARE R/AT NO. 404(336)
7TH MAIN ROAD, BHAVANI NAGAR,
SUBRAMANYAPURA MAIN ROAD
BANASHANKARI
BENGALURU - 560 070.
3. VENUS WORLDWIDE ENTERTAINMENT PRIVATE
LIMITED,
HAVING ITS REGISTERED OFFICE AT
106/1, BLUE DIAMOND, OPP. SNDT COLLEGE
JUHU TARA ROAD, SANTACRUZ (WEST)
MUMBAI,
MAHARASHTRA-400 049,
REP. BY ITS AUTHORISED SIGNATORY.



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4. SRI. CHANDRAPPA ALIAS DEVANURU CHANDRU,
DIRECTOR OF THE FILM GRAAMAAYANA
S/O BASAVARAJU
MAJOR
R/AT RAILWAY STATION ROAD
DEVANURU, KADUR DISTRICT
CHIKMAGALURU - 577 175

ALSO AT
C/O LAHARI FILMS LLP, 4TH FLOOR
TTMC, BMTC BUILDING
YESHWANTHPUR CIRCLE
YESHWANTHPUR
BENGALURU - 560 022.

5. SMT.LATHA SRI MURTHY,
W/O (LATE) N LAKSHMINARASIMHA MURTHY
AGED ABOUT 42 YEARS
R/AT NO. 262, 2ND MAIN ROAD
2ND CROSS ROAD, SHIVANAGAR
RAJAJINAGAR
BENGALURU - 560 010.

6. THE PRESIDENT,
KARNATAKA FILM CHAMBER OF COMMERCE
AT NO.28, 1ST MAIN ROAD
CRESCENT ROAD
HIGH GROUNDS
BENGALURU - 560 001.

... RESPONDENTS

(BY SRI. MANJUNATHA H.,ADVOCATE FOR R-1 & R-2)

THIS MFA IS FILED U/S.XLIII RULE 1(r) OF THE CPC,
AGAINST THE ORDER DT.03.07.2026.PASSED ON IA NO.2 IN
O.S.NO.4705/2026 ON THE FILE OF THE VII ADDITIONAL CITY
CIVIL AND SESSIONS JUDGE, BENGALURU PARTLY ALLOWING
I.A FILED U/O.39 RULE 1 AND 2 R/W SEC.151 OF CPC, 1908.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



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CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

This appeal is preferred by the appellant/defendant nos. 1 to 3 challenging the order dated 3.7.2026 passed on I.A. No.2 in O.S. No.4705/2026 on the file of VII Additional City Civil & Sessions Judge, Bengaluru.

2. I have heard learned Senior Counsel - Sri Dhyan Chinnappa on behalf of learned counsel - Sri Bhargava D Bhat for appellants as well as learned counsel - Manjunatha .H for respondent Nos.1 and 2.

3. The respondents nos. 1 and 2 are the plaintiffs before the trial Court and respondent nos. 3 to 6 are the co-defendants before the trial Court.

4. Parties shall be referred to as plaintiffs and defendants for the sake of brevity.

5. A suit came to be filed by the plaintiffs against the defendants seeking the relief of declaration to declare that



the plaintiffs are the co-owners of copyright in the suit schedule cinematographic film "*Graamaayana*" to the extent of an undivided two-third share therein, as Class I legal heirs and successors-in-interest of late N. Lakshminarasimha Murthy and for other consequential reliefs.

6. Along with the suit, an application came to be filed in I.A No.1 under and Order XXXIX Rule 1 and 2 for grant of ad-interim order of temporary injunction restraining the defendants and their agents from releasing, screening or exhibiting the suit schedule cinematographic film "*Graamaayana*" in theatres or cinema halls, whether on the scheduled release date of 3.7.2026 or on any date thereafter, pending disposal of the suit.

7. Along with the suit, another application came to be filed in I.A No.2 under and Order XXXIX Rule 1 and 2 for grant of an *exparte* order of Temporary Injunction restraining the defendants and their agents from creating



any 3rd party rights in the suit schedule cinematographic film "Graamaayana" in whatsoever manner etc.,

8. Upon consideration of the said applications, the trial Court passed the following order:

"Both the plaintiffs and their learned counsel are present.

The learned counsel for plaintiffs, filed memo not pressing I.A.No. 1.

Memo is allowed.

Consequently I.A.No.1 is dismissed as not pressed.

Heard the learned counsel for plaintiffs on I.A.No.2.

The learned counsel for plaintiff filed memo along with the document noted therein so also one more memo and the documents noted therein.

*The sworn and testimony of 1st and the plaintiff documents produced along with the pliant and the documents now produced with memos, at this per-adjudication stage, reveal that they have prima facie case, the balance of convenience lies in their favour and if I.A. No.1 (**wrongly mentioned as I.A. No.1 instead of I.A. No.2**) is not considered, they will be put to great hardship*



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which cannot be compensated in terms of money.

This Court proceeds to pass the following order.

ORDER

*I.A.No.1(**wrongly mentioned as I.A. no.1 instead of I.A. No.2**) filed by the plaintiff under Order XXXIX Rules 1 and 2 Read With Section 151 of C.P.C. is hereby allowed in part ex-parte.*

Consequently, the 1st to 4th defendants are hereby creating third party rights in suit schedule cinema autographic film Gramayana in what so ever manner in favour of whoms so even till they and file objections to I.A.No.2.

The plaintiff shall comply with the order XXXIX Rule 3 of C.P.C within 4 days from today. On failure which, the temporary injunction now granted shall stand cancelled automatically.

Office is directed to issue suit summons, notice on I.A.No.2. On the plaintiff complying with Order XXXIX Rule 3 of C.P.C, issuse T.I. warrant by Court and speed post, if PF paid, postal cover, postal acknowledgment and sufficient number of copies are furnished. returnable by 24.08.2026."



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9. By the impugned order dated 3.7.2025, the trial Court partly allowed I.A. No. 2 by way of an *ex parte* order and restrained defendant Nos.1 to 4 from creating third party rights in suit schedule cinema autographic film 'Gramayana' in whatsoever manner in favour of whomsoever till they file objections to I.A. No.2 and issued suit summons, notice on the said I.A. It is this Order that is questioned by the appellant/defendant Nos.1 to 3 in this appeal.

10. It is the vehement contention of learned counsel for appellants that the impugned order passed by the trial Court is illegal, perverse, arbitrary and without any proper reasoning and application of mind and therefore the order is not sustainable in law.

10.1 It is contended by learned senior counsel that whenever any order is passed *ex parte*, the Court is duty bound and obligated to provide proper reasons to justify the said order prior to issuance of notice as it is an order



which is passed under exceptional circumstances against the normal rule, where notice is issued and then heard. Therefore, he contends that the said order is in gross violation of the guidelines issued by the Hon'ble Apex Court in catena of judgments including judgment in the case of ***Morgan Stanley Mutual fund -vs- Kartick Das*** reported in (1994)4 SCC 225, which is relied upon by him during the course of his arguments.

10.2 Learned counsel also relies upon the judgment in the case of ***Dalpat Kumar -vs- Prahlad Singh*** reported in AIR 1993 SC 276 to substantiate his case that the trial Court ought to have passed a reasoned order and arrived at a finding with regard to judicial satisfaction for granting the relief without hearing the defendants.

10.3 On these grounds, learned counsel seeks to allow the appeal by setting aside the impugned order.

11. Per contra, learned counsel - Sri Manjuntan .H for Respondent Nos.1 and 2 vehemently contends that



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there is no illegality or perversity in the impugned order. The trial Court has heard the matter in detail and fully satisfied with the plaintiffs having made out a valid case, but due to paucity of Court time was unable to put forth the reasoning and hence the impugned order does not call for interference. All the more, he contends that there is merit in favour of the plaintiffs to sustain the said order. On these grounds, learned counsel seeks dismissal of the appeal.

12. I have given my thoughtful consideration to the arguments advanced by learned counsels for both parties.

13. Apparently, on bare perusal of the impugned order, what is seen is that the Court has merely stated based on the sworn testimony of the first plaintiff, the documents produced along with the plaint and the memo that the plaintiffs have made out *prima facie* case, balance of convenience lies in their favour and if the application is not considered, they will be put to great hardship which



cannot be compensated in terms of money and accordingly, granted the interim order *ex parte*. Apart from repeating the words, 'prima facie case', 'balance of convenience' and 'hardship', there is no proper reasoning provided by the trial Court as to why it has granted an *ex parte* interim order without issuance of notice to the defendants.

14. It is needless to mention that while granting or rejecting an application under Order XXXIX Rule 1 and Rule 2, it is obligatory on the part of the trial Court to provide proper reasoning after making out a *prima facie* case. *Prima facie* case will have to be spelt out by the learned trial judge by way of application of mind through judicial reasoning and also that in pursuance to prima facie case being made out, in whose favour, the balance of convenience will lie as well as the irreparable hardship that would be caused and then the interim order would have to be granted, but not by merely repeating the words of



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'prima facie case', 'balance of convenience' and 'hardship' in the order.

15. The judicial order must be based on proper reasoning and application of mind. This aspect has been dealt with in catena of judgments of the Hon'ble Apex Court, moreso in the case of **Ramakant Ambalal Choksi -vs- Harish Ambalal Chokshi & others** in Civil Appeal No.13001 of 2024 dated 22nd November 2024, wherein it is held at paragraph-34 as under:

"34. The burden is on the plaintiff, by evidence aliunde by affidavit or otherwise, to prove that there is "a prima facie case" in his favour which needs adjudication at the trial. The existence of the prima facie right and infraction of the enjoyment of his property or the right is a condition precedent for the grant of temporary injunction. Prima facie case is not to be confused with prima facie title which has to be established on evidence at the trial. Only prima facie case is a substantial question raised, bona fide, which needs investigation and a decision on merits. Satisfaction that there is a prima facie case by itself is not sufficient to grant injunction. The Court further



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has to satisfy that non- interference by the court would result in "irreparable injury" to the party seeking relief and that there is no other remedy available to the party except one to grant injunction and he needs protection from the consequences of apprehended injury or dispossession. Irreparable injury, however, does not mean that there must be no physical possibility of repairing the injury, but means only that the injury must be a material one, namely one that cannot be adequately compensated by way of damages. The third condition also is that "the balance of convenience" must be in favour of granting injunction. The Court while granting or refusing to grant injunction should exercise sound judicial discretion to find the amount of substantial mischief or injury which is likely to be caused to the parties, if the injunction is refused and compare it with that which is likely to be caused to the other side if the injunction is granted. If on weighing competing possibilities or probabilities of likelihood of injury and if the Court considers that pending the suit, the subject matter should be maintained in status quo, an injunction would be issued. Thus, the Court has to exercise its sound judicial discretion in granting or refusing the relief of ad interim injunction pending the suit. (See: Dalpat Kumar v. Prahlad Singh reported in (1992) 1 SCC 719.)"



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16. It is essential for every Court while dealing with an application under Order XXXIX Rule 1 and Rule 2 to understand the case, make out certain reasons and having been satisfied with those reasons, pass an interim either granting or rejecting the prayer, but the finding and reasoning will have to be spelt out in the order. It is not necessary for the Court to go into a mini trial. But, nevertheless *prima facie* case will have to be made out for grant of the order, followed by two other essential requirements i.e., balance of convenience and hardship, which has not been done in the present case, which is evident on bare perusal of the order.

17. Under the circumstances, this Court is of the opinion that, the matter would have to be remanded to the trial Court to reconsider the application - I.A. No.2 afresh and pass suitable orders within a fixed time frame.

18. Accordingly, I pass the following:



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ORDER

- i) The appeal is **allowed**.
- ii) The impugned order dated 03.07.2026 passed on I.A No. 2 in O.S No. 4705/2026 by the 7th Additional City Civil & Sessions Judge, Bengaluru, is hereby set aside.
- iii) Matter is remanded back to the learned trial Judge to re-consider the application - I.A. No. 2 afresh and the said application shall be decided within a period of 15 days from the date of receipt of copy of this order.
- iv) It is made clear that this Court has not expressed any opinion on the merits of the application or the suit.
- v) It is open to the learned counsels to urge all grounds that are urged in the present appeal.
- vi) Opportunity shall be provided to both parties before passing orders on the said application.

Ordered accordingly.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

GSSList No.: 1 SI No.: 42