



CNR: KAHC010474512026

NC: 2026:KHC:36285
WP No. 21427 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 21427 OF 2026 (GM-CPC)

BETWEEN:

1. SRI LINGAPPA
S/O LATE BENGALURIAIAH,
AGED ABOUT 80 YEARS,
R/AT NO.3, 8TH MAIN,
CITY ENGINEERING COLLEGE ROAD,
KUVEMPU NAGAR,
DODDAKALLASANDRA,
BENGALURU – 560 062
2. SRI. NAGARAJAIAH,
S/O LATE BENGALURIAIAH,
AGED ABOUT 76 YEARS,
R/AT NO.3, 8TH MAIN,
CITY ENGINEERING COLLEGE ROAD,
KUVEMPU NAGAR,
DODDAKALLASANDRA,
BENGALURU- 560 062.

...PETITIONERS

(BY SRI. D.R.RAVISHANKAR, SENIOR COUNSEL FOR
SRI.PRAMOD REDDY, ADVOCATE)

AND:

1. SRI T.N.NARASIMHAMURTHY
S/O T.K. NARASEGOWDA,
AGED ABOUT 53 YEARS,
R/AT NO.156, AMBARA,
2ND CROSS, 4TH MAIN,
ITI LAYOUT, MALLATHAHALLI,
BENGALURU – 560 056



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2. SRI. S.T. KUBERASWAMY,
S/O S.T. TAMMANNA GOWDA,
AGED ABOUT 56 YEARS,
R/AT NO.1296, ANJANADRI NILAYA,
8TH BLOCK,
RASTRAKAVI KUVEMPU ROAD,
SIR M. VISVESVARAYA NAGAR,
BENGALURU- 560 091
3. SRI. S.T. RAMESH,
AGED ABOUT 57 YEARS,
MANAGING PARTNER,
ANJANADRI PROPERTIES,
S/O S.T. TAMMANNA GOWDA,
R/AT NO.1296, ANJANADRI NILAYA,
8TH BLOCK,
RASTRAKAVI KUVEMPU ROAD,
SIR M. VISVESVARAYA NAGAR,
BENGALURU – 560 091

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE COMMON ORDER DATED 04.03.2026 PASSED BY THE COURT OF THE LEARNED SENIOR CIVIL JUDGE AND JMFC, MAGADI IN O.S. NO.190/2026, INsofar AS IT DOES NOT GRANT AD-INTERIM PROTECTION IN I.A. NO.2/2026 FILED BY THE PETITIONERS, PRODUCED AT ANNEXURE-C.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

Aggrieved by the order dated 04.03.2026 passed in O.S.No.190/2026 by the Additional Senior Civil Judge and JMFC, Magadi, whereby the trial Court has failed to consider I.A.No.2 seeking ad-interim injunction, the petitioner is before this Court.

2. Learned Senior counsel representing the counsel for the petitioners submits that the trial Court has issued suit summons and observed that the principles of natural justice require that the other side should be heard before passing any order and accordingly, issued emergent notice on I.A.Nos.1 and 2 and suit summons to the defendants. It is further submitted that the defendants are evading service of notice and, in turn, are proceeding with construction and developing the property. It is submitted that when an application is filed seeking an ad-interim injunction, the Court's reasoning that the principles of natural justice must be followed is contrary to settled law. It is further submitted that there may be direction to the trial Court to expeditiously hear this matter. He has relied on order passed by the Co-ordinate Bench of this Court in ***Dhalitha Vividha***



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**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



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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. Considering the submissions of the learned Senior counsel appearing for the petitioners, this Court is passing the following order:

ORDER

- i. The trial Court shall consider I.A.No.2 within a period of 2 weeks from the date of receipt of the copy of this order, notwithstanding the fact that the notices are not served on the respondents.
- ii. The petitioners are at liberty to advance the matter.
- iii. Accordingly, the writ petition is ***disposed of***.
- iv. All I.As. in this petition shall stand closed.

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

MEG
List No.: 1 Sl No.: 30