



CNR: KAHC010483472026

NC: 2026:KHC:39212
WP No. 22104 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 22104 OF 2026 (GM-CPC)

BETWEEN:

1. GEETHA V. R
W/O K.V. MANJUNATH
D/O LATE V.S. RAMARAO
AGED 57 YEARS
R/AT NO.14, SRI SKANDA NILAYA
2ND FLOOR, 12TH CROSS
BHEL LAYOUT, CHIKKABETTAHALLI
VTC: BENGALURU NORTH
PO:VIDYARANYAPURA
BENGALURU-560 097
2. SMT. JYOTHILAKSHMI
W/O MADHUSUDHAN RAO
D/O LATE V.S. RAMARAO
AGED 47 YEARS
R/AT NO.61/5, 4TH MAIN
4TH CROSS, BEHIND RENUKAMBA TEMPLE
DODDABOMMASANDRA
BENGALURU-560 097

...PETITIONERS

(BY SMT. NANDINI B, ADVOCATE)

Digitally
signed by
SUVARNA T
Location:
HIGH
COURT OF
KARNATAKA



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AND:

1. SRI. V.R. SHIV PRAKASH
S/O LATE V.S. RAMARAO
AGED 59 YEARS
R/AT NO.114, DEFENCE COLONY
JUNJAPPA TEMPLE, SHETTY HALLI
BENGALURU NORTH
BENGALURU-560 015
2. SRI. V.R. NAGESH
S/O LATE V.S. RAMARAO
AGED 55 YEARS
R/AT NO.114, DEFENCE COLONY
JUNJAPPA TEMPLE, SHETTY HALLI
BENGALURU NORTH
BENGALURU-560 015
3. SRI. LOKESH V.R
S/O LATE V.S. RAMARAO
AGED 55 YEARS
R/AT NO.114, DEFENCE COLONY
JUNJAPPA TEMPLE, SHETTY HALLI
BENGALURU NORTH
BENGALURU-560 015
4. SRI. V.S. SHYAM SUNDAR
S/O LATE V.S. SUBRAMAYA
AGED ABOUT 70 YEARS
R/O SIDDENAHALLI GRAMA
WARD NO.5, DODDABALLAPURA TOWN
DODDABALLAPURA-561 203
5. SMT. BHAGYAMMA
D/O LATE V.S. SUBRAMAYA
AGED ABOUT 64 YEARS
R/O SIDDENAHALLI GRAMA

WARD NO.5, DODDABALLAPURA TOWN
DODDABALLAPURA-561 203



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6. SRI. V. VASANTHA KUMAR
S/O K. VENKATASWAMAPPA
AGED ABOUT 51 YEARS
R/AT DEVANAHALLI TALUK
KUNDANA HOBLI
VISHWANATHAPURA VILLAGE
BENGALURU RURAL DISTRICT-562 110
7. AKKEPPA
S/O LATE HANUMANTHARAYAPPA
AGED ABOUT 77 YEARS
R/AT DEVANAHALLI TALUK
KUNDANA HOBLI
VISHWANATHAPURA VILLAGE
BENGALURU RURAL DISTRICT-562 110
8. SRI. KRISHNAMURTHY V
S/O VENKATAPPA SHETTY
AGED ABOUT 59 YEARS
R/AT DEVANAHALLI TALUK
KUNDANA HOBLI
VISHWANATHAPURA VILLAGE
BENGALURU RURAL DISTRICT-562 110
9. SMT. K. USHA
W/O B. RAJANNA
AGED ABOUT 53 YEARS
R/O R.T.NAGAR POST
MANORAYANA PALYA
BANGALORE-560 032
10. SRI. B. RAJANNA
H/O K. USHA
AGED ABOUT 60 YEARS
R/O R.T. NAGAR POST

MANORAYANA PALYA
BANGALORE-560 032



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11. SMT. NAGARATHNA H
W/O LATE DHIRUVANARAYANA
D/O KRISHNAMURTHY V
AGED ABOUT 55 YEARS
R/AT DEVANAHALLI TALUK
KUNDANA HOBLI
VISHWANATHAPURA VILLAGE
BENGALURU RURAL DISTRICT-562 110

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING/ SET-ASIDE THE IMPUGNED ORDER DATED 28.10.2025 VIDE ANNEXURE-A PASSED ON I.A.NO.1 VIDE ANNEXURE-D IN O.S.NO.922/2025 UNDER ORDER 39 RULE 1 AND 2 READ WITH 151 OF CPC, 1908 PASSED BY THE ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, DEVANAHALLI 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

Aggrieved by the order dated 28.10.2025 in I.A.No.1 in O.S.No.922/2025 passed by the Additional Senior Civil Judge and JMFC, Devanahalli, whereby the trial Court had reissued suit summons to the defendants, the petitioners/plaintiffs are before this Court.

2. Learned counsel for the petitioners submits that the defendants are evading the summons and they are trying to alienate the property. It is submitted that when an application



is filed seeking ad-interim injunction, the trial Court has to consider the application on its merits. In this manner, if the suit summons are issued and in the meantime, if third-party rights are created, it would cause lot of hardship to the plaintiffs. This aspect was not considered by the trial Court. Learned counsel has relied on 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 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



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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. 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 dispose of I.A.No.1 within a period of one week from the date of receipt of the copy of this order, notwithstanding the fact that



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the suit summons 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.: 67