



CNR: KAHC010495272026

NC: 2026:KHC:38541
WP No. 22617 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 22617 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. SANKETH R.
S/O SRI. R. RAVIKUMAR
AGED ABOUT 41 YEARS,
R/AT NO 1, LAKSHMI ROAD,
SHANTHINAGAR,
BANGALORE-560 027
2. SMT. SHREYA MUKTAMATH
D/O SRI. R. RAVIKUMAR
W/O SRI. HARSHA MUKTAMATH
AGED ABOUT 43 YEARS,
RESIDING AT 2869 FINCA TER,
FREMONT, CA 94539
UNITED STATES OF AMERICA

NOW AT NO.1, LAKSHMI ROAD,
SHANTHINAGAR,
BANGALORE -560 027

REPRESENTED BY SPA HOLDER
SRI. SANKETH R.
S/O SRI. R. RAVIKUMAR
AGED ABOUT 41 YEARS,
R/AT NO 1, LAKSHMI ROAD,
SHANTHINAGAR,
BANGALORE-560 027

...PETITIONERS

(BY SMT.NAYANA TARA B.G., ADVOCATE)

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by SUVARNA T
Location: HIGH
COURT OF
KARNATAKA



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AND:

SRI. R. RAVIKUMAR
S/O LATE T.N. RUDRARADHYA
AGED ABOUT 74 YEARS
R/AT NO.1, PID NO. 70-55-1
LAXMI ROAD, SHANTHI NAGAR
BANGALORE -560 027

...RESPONDENT

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE CERTIORARI OR ANY OTHER WRIT, DIRECTION, OR ORDER OF SIMILAR NATURE QUASHING THE ORDER DATED 16.07.2026 PASSED BY THE XIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH-18), BENGALURU ON I.A NO.1 IN O.S NO. 5050 OF 2026 AT ANNEXURE-A IN SO FAR AS IT REFUSES TO GRANT THE INTERIM INJUNCTION ORDER.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed questioning the order dated 16.07.2026 on I.A.No.1 in OS.No.5050/2026 passed by the XIX Addl. City Civil and Sessions Judge, Bengaluru, whereby the trial Court has issued emergent notice on I.A.No.1 and 2 and suit summons to the defendant.



2. Learned counsel appearing for the petitioner submits that when an application is filed seeking an injunction, the trial court ought to have considered it on the merits of the matter. Instead of considering the same on the merits of the matter, the trial court issued an emergent notice and suit summons.

3. Further she has relied on the order passed by 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***, wherein 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



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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."

Having heard the learned counsel for the petitioner, perused the material on record. When an application is filed seeking Ad Interim injunction, the trial court has to pass an order on the merits of it. When the plaintiff doesn't make out a



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case, then the trial Court as well can pass an order rejecting it, but the court cannot issue suit summons.

4. In the light of the contentions of the learned counsel for the petitioner and also considering the order passed by the co-ordinate bench of this Court in ***W.P.No.35488/2025(GM-CPC) dated 09.12.2025*** this Court deems it appropriate to pass the following:

ORDER

- i. The writ petition is ***disposed of*** directing the trial court to consider I.A.No.1 and 2 within a period of one week from the date of the receipt of the copy of order, notwithstanding the fact that the suit summons are not served on the defendant.
- ii. Pending I.As., in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 1 Sl No.: 18