



CNR: KAHC010495862026

NC: 2026:KHC:39623
WP No. 22610 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 22610 OF 2026 (GM-CPC)

BETWEEN:

MR. ATIQ JAFFAR SAIT
S/O. LATE MR. MD. JAFFAR SAIT
AGED ABOUT 67 YEARS
RESIDING AT NO.7,
PETTIGREW STREET
BANGALORE -560 001

...PETITIONER

(BY SMT. PRIYANKA YAVAGAL, ADVOCATE)

AND:

1. MRS. MILDRED MURTHY
W/O. MR. MURTHY
AGED ABOUT 70 YEARS
HAVING ADDRESS AT SITE NO.13/2,
ST. JOHNS CHURCH ROAD
BHARATHI NAGAR, SHIVAJINAGAR,
WARD NO.91,
BANGALORE -560 001
2. THE CHIEF COMMISSIONER,
GREATER BANGALORE AUTHORITY
HUDSON CIRCLE, N.R.SQUARE,
BENGALURU,
KARNATAKA -560 002

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA, PRAYING TO QUASH AND SET



**NC: 2026:KHC:39623
WP No. 22610 of 2026**

ASIDE THE ORDER DATED 10.07.2026 PASSED BY THE LEARNED III ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, IN 1.A.NO.2 IN O.S.NO.4118/2026, PRODUCED HERewith AS ANNEXURE A.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the orders passed on I.A.no.2 in OS.No.4118/2026 dated 10.07.2026 by the III Addl. City Civil and Sessions Judge, Bangalore, the plaintiff is before this court.

2. The petitioner has filed a suit for injunction. He has filed I.A. seeking an ad-interim injunction. Earlier, when the suit summons were issued, a writ petition was filed before this court, and this court disposed of the writ petition, directing the trial court to pass orders on the I.A., notwithstanding the fact that the summons had not been served on the respondent. After that, the present order dated 10.07.2026 was passed, and in the operative portion of the order it is reflected that the court has issued suit summons, an emergent notice to defendant No.1 on I.A. No. 2, and for written statement and objections of defendant No.2 by 07.08.2026.



CNR: KAHC010495862026

3. Learned counsel for the petitioner submits that inspite of an order passed by the court, again the suit summons are issued. Then this court had called for a report from the concerned Judge why the suit summons are issued inspite of the earlier order where this court has directed the learned judge to pass the orders on the merits of the matter.

Report dated 27.07.2026 is placed before this court wherein the learned judge states that, in fact, the order is passed on the merits of the matter, but in the operative portion of the order, in the rush of work, again it is mentioned as "issue suit summons and emergent notice". Learned counsel for the petitioner submits that now against this order, they can't even file an appeal.

Considering the submission of the learned counsel for the petitioner, this court is passing the following:

ORDER

- i. The impugned order passed on I.A.No.2 in OS.No.4118/2026 by the III Addl. City Civil & Sessions Judge, Bangalore is **set aside**.



**NC: 2026:KHC:39623
WP No. 22610 of 2026**

CNR: KAHC010495862026

- ii. Accordingly, the writ petition is ***disposed of*** directing the trial court to pass an appropriate order within two days from the date of the receipt of the copy of the order notwithstanding the fact that the notice is not served on the defendant.
- iii. The petitioner is at liberty to advance the matter.
- iv. Pending I.As., in this petition shall stand closed.

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

TS
List No.: 1 Sl No.: 41