



CNR: KAHC010499852026

NC: 2026:KHC:39530
WP No. 22876 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. 22876 OF 2026 (GM-CPC)

BETWEEN:

M/S G-CORP SPACES PVT LTD.,
A COMPANY INCORPORATED UNDER THE COMPANIES
ACT, 1956, HAVING ITS
REGISTERED OFFICE AT 21/19
CRAIG PARK LAYOUT, OFF M.G. ROAD
BENGALURU-560 001

REPRESENTED BY ITS AUTHORIZED REPRESENTATIVE
AND
CHIEF FINANCIAL OFFICER
SRI. PRASANNA PAI SRINGERI

...PETITIONER

(BY SRI. ANGAD KAMATH, ADVOCATE)

AND:

1. SMT. FAZIA SARDAR
D/O LATE ZAMRUD @ WASIYA BEGUM
AGED ABOUT 41 YEARS
R/AT NO. 45/01, 5TH CROSS
COFFEE BOARD COLONY
SHAMPUR MAIN ROAD
BENGALURU - 560 045
2. SMT. SHAZIYA SAGHEER
D/O LATE ZAMRUD @ WASIYA BEGUM
AGED ABOUT 34 YEARS
R/AT NO. 45/01, 5TH CROSS
COFFEE BOARD COLONY
SHAMPUR MAIN ROAD
BENGALURU - 560 045

...RESPONDENTS

Digitally
signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI, OR SUCH OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING AND SETTING ASIDE THE EX PARTE AD INTERIM ORDER OF TEMPORARY INJUNCTION DATED 21.06.2025 PASSED ON 1A-1 IN O.S. NO. 1082/2025 (ANNEXURE-A) ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, THE SAME BEING UNREASONED, CONTRARY TO ORDER 39 RULE 3 CPC AND UNSUSTAINABLE IN LAW 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

The present writ petition is filed seeking the following prayers:

- a) Issue a writ, order or direction in the nature of certiorari, or such other appropriate writ, order or direction, quashing and setting aside the ex parte ad interim order of temporary injunction dated 21.06.2025 passed on IA-1 in O.S. No. 1082/2025 (Annexure-A) on the file of the II Additional Senior Civil Judge, Bengaluru Rural District, the same being unreasoned, contrary to Order 39 Rule 3 CPC and unsustainable in law;***
- b) Issue a writ, order or direction quashing and setting aside the continued operation and mechanical extension of the said injunction, and in particular the order dated 16.07.2026 (Annexure-B), as being in breach of Order 39 Rule 3A CPC and occasioning a failure of justice;***
- c) Consequentially, modify the said order of temporary injunction so as to permit the Petitioner to alienate, deal with and create encumbrances over the suit schedule properties, subject to such undertaking and safeguards as this Hon'ble Court may direct to protect the***



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share, if any, ultimately found due to the Respondents;

- d) In the alternative to prayers (a) to (c), issue a writ, order or direction to the II Additional Senior Civil Judge, Bengaluru Rural District, to hear and finally dispose of IA-1 (under Order 39 Rules 1 & 2 CPC) and IA-2 (under Order 39 Rule 4 CPC) in O.S.No. 1082/2025, on their merits and within a time to be fixed by this Hon'ble Court, notwithstanding that Defendants No. 1 to 35 and 37 to 41 remain unserved, and to desist from extending the ex parte order from date to date without so deciding; and*
- e) Pass such other and further order(s) as this Hon'ble Court may deem fit in the facts and circumstances of the case, in the interest of justice and equity.*

2. Learned counsel appearing for the petitioner/defendant submits that the suit is filed for partition and also sought for a declaration that the Sale Deed dated 26.09.2018, executed in favour of the petitioner herein, who is the defendant No.36 in the suit, is invalid, not binding on the plaintiff, and null and void. The trial Court, by order dated 21.06.2025, has granted an *ex parte* temporary injunction restraining the defendants from alienating the suit-scheduled property till the next date of hearing.

3. He further submits that the objections were filed on 20.01.2026. The matter is pending before the trial Court only on the ground that all the defendants are not served, and the



trial Court is not taking up the matter. It is submitted that, in sum and substance, the order is in fact operating against the petitioner, as he is the one who has purchased the property. It is also submitted that the order passed on I.A.No.1 dated 21.06.2025 is not a reasoned order. By way of a one-line order, the trial Court has granted a temporary injunction without being satisfied about the *prima facie* case, balance of convenience and irreparable loss. It is submitted that Order XXXIX Rule 3 of CPC contemplates that, once the objections are filed, the Court has to consider the same and pass orders within 30 days. It is submitted that the trial Court has failed to follow the procedure contemplated under Order XXXIX Rule 3 of CPC. In these circumstances, this order is causing a lot of hardship to the petitioner/plaintiff.

4. Having heard the learned counsel for the petitioner, perused the material on record. It is noted that, as submitted by the learned counsel for the petitioner and as seen from the record, an order was passed on 21.06.2025. On the face of it, the order is cryptic, and no reasons are stated. Be that as it may, this Court is not going into the legality or otherwise of the



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said order. When objections are filed, it is the duty of the Court to consider the same, particularly in the facts and circumstances of the case, where this order for the stay of alienation is granted, particularly in respect to the property which the petitioner has purchased, and as he is affected by the same, the trial Court ought to have heard the application. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***disposed of*** directing the trial Court to consider I.A.Nos.1 and 2 in accordance with law within a period of **one week** from the date of receipt of the copy of the order. Notwithstanding the fact that the suit summons were not served on the other defendants.
- ii. Pending I.As in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE