



CNR: KAHC010505102026

NC: 2026:KHC:42155
WP No. 22762 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 22762 OF 2026 (GM-CPC)

BETWEEN:

SMT. D C NAGARATHANNA
D/O LATE C. CHENNIGAPPA,
AGED ABOUT 51 YEARS,
R/AT NO.307, 2ND CROSS,
7TH MAIN ROAD, GOKULA 1ST STAGE,
2ND PHASE, MATHIKERE,
BENAGLURU-560054.

...PETITIONER

(BY SRI. BALARAJ V.R., ADVOCATE)

AND:

1. SRI D C ARUN KUMAR
S/O LATE C. CHENNIGAPPA,
AGED ABOUT 52 YEARS,
2. SRI. GOWRI SHANKARA SWAMY,
S/O LATE C. CHENNIGAPPA
AGED ABOUT 48 YEARS
3. SRI. D.C. VENUGOPAL,
S/O LATE C. CHENNIGAPPA
AGED ABOUT 46 YEARS,

ALL RESPONDENTS ARE
R/O. BAIRANAYAKANAHALLI,
THYAMAGONDLU HOBLI

Digitally signed
by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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NELAMANGALA TALUK,
BENGALURU RURAL DISTRICT - 562 132.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER DATED 30.06.2026 PASSED BY THE LEARNED II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC., NELAMANGALA IN OS NO.685/2026 PRODUCED AT ANNEXURE-A AND CONSEQUENTLY ALLOW IA NO. 1 DATED 27.06.2026 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

The present writ petition is filed aggrieved by the order dated 30.06.2026, in O.S.No.685/2026, passed by the II Addl.Senior Civil Judge & JMFC, Nelamangala.

2. The learned counsel for the petitioner submits that petitioner has filed a suit for partition and separate possession and also filed an application IA.No.1 seeking ad interim injunction restraining the defendants from alienating the property. The trial Court without passing any orders on the



merits of the matter, had issued suit summons. Learned counsel relied on the judgment of the Co-ordinate Bench of this Court in the case of ***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 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



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***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."

It is submitted that when an IA is filed seeking an interim injunction, the trial court ought to have considered it on the merits of the matter without issuing summons to the other side.

4. Having heard the learned counsels on either side, perused the entire material on record.



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5. 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 II Addl.Senior Civil Judge & JMFC, Nelamangala, is directed to hear IA No.1 filed by the petitioner in O.S.No.685/2026 and pass appropriate orders within a period of one week from the date of receipt of the copy of the order.
- ii. The petitioners are at liberty to advance the matter.
- iii. Accordingly, the writ petition is ***disposed off***.
- iv. All pending I.As., if any, in the writ petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE