



CNR: KAHC010508652026

NC: 2026:KHC:39205  
WP No. 23038 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 28<sup>TH</sup> DAY OF JULY, 2026**

**BEFORE**

**THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI**

**WRIT PETITION NO. 23038 OF 2026 (GM-CPC)**

**BETWEEN:**

SMT. SHARADA K.C  
W/O LATE SRI. B.N. BHEEMESHWARA  
AGED ABOUT 42 YEARS  
R/AT NO. 4, SRI RANGA  
1<sup>ST</sup> MAIN, VIDYAMANYANAGAR WEST  
ANDRAHALLI MAIN ROAD  
BENGALURU-560 091

...PETITIONER

(BY SRI. SUPREETH S. ATHREYAS, ADVOCATE)

**AND:**

1. SMT. NAGARATHNA  
W/O LATE SRI. M. NAGARAJU  
AGED ABOUT 72 YEARS
2. SRI. VASUDEVA B.N  
S/O LATE SRI. M NAGARAJU  
AGED ABOUT 50 YEARS
3. SRI. PRAVEEN KUMAR B.N  
S/O LATE SRI. M. NAGARAJU  
AGED ABOUT 49 YEARS

ALL ARE RESIDING AT NO. 109  
6<sup>TH</sup> MAIN, 9<sup>TH</sup> CROSS  
R.H.C.S. LAYOUT, 2<sup>ND</sup> STAGE  
A BLOCK, SRIGANDHAKAVALU  
BANGALORE-560 091

...RESPONDENTS



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THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 17.07.2026 PASSED BY THE XLII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (CCH.43), BENGALURU IN OS NO.5106/2026 AS PER ANNEXURE -M IN SO FAR AS TO DECLINING TO GRANT EXPARTE AD-INTERIM ORDER OF TEMPORARY INJUNCTION AND CONSEQUENTLY GRANT AN ORDER OF TEMPORARY INJUNCTION AS PRAYED IN I.A. NO.1 AT ANNEXURE L TILL THE DISPOSAL OF THE SAME.

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 orders passed on I.A.No.1 dated 17.07.2026 in O.S.No.5106/2026 passed by the XLII Addl. City Civil & Sessions Judge (CCH-43), Bangalore, the plaintiff is before this court.

2. Learned Counsel appearing for the petitioner submits that the plaintiff has filed a suit, O.S.No.5106/2026, in that she has filed I.A.No.1 under order XXXIX Rule 1 and 2 of CPC seeking ad-interim injunction restraining the defendants from alienating the property, wherein the trial court has issued suit summons to the defendants. It is submitted that if the petitioner is not able to make out a prima facie case and there is no balance of convenience in favour of the petitioner, the



trial court ought to have passed orders on the merits of the matter. The court observed that there is no prima-facie case, the court has issued summons and no orders are passed on I.A.No.1.

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***, 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]***



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***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."***

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 is passing the following:



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### ORDER

- i. The writ petition is ***disposed of*** directing the trial court to consider I.A.No.1 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 defendants.
- ii. Pending I.As., in this petition shall stand closed.

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

TS  
List No.: 1 Sl No.: 79