



CNR: KAHC010510262026

NC: 2026:KHC:39208
WP No. 22932 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. 22932 OF 2026 (GM-CPC)

BETWEEN:

SMT. S.A. RUKKAMMA
W/O SRI. LATE MUNI REDDY
AGED ABOUT 82 YEARS
RESIDING AT VILLA-B
BANYANTREE APARTMENT
KARIYAMMANA AGRAHARA ROAD
BEHIND SAKRA HOSPITAL
BELLANDUR POST
BANGALORE-560103
REPRESENTED BY PA HOLDER AND SON
SHRI. SRINIVASA REDDY
S/O LATE MUNI REDDY
AGED ABOUT 61 YEARS
VILLA-B, BANYAN TREE APARTMENT
KARIYAMMANA AGRAHARA ROAD
BEHIND SAKRA HOSPITAL, BELLANDUR POST
BANGALORE-560103

...PETITIONER

(BY SRI. VIVEK S. REDDY, SENIOR COUNSEL FOR
SRI. SUBBAREDDY K.N, ADVOCATE)

AND:

1. SMT. GEETHA RANI
W/O LATE SRI P. RAJGOPAL
AGED ABOUT 55 YEARS
R/A NORTH VILLA



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NO 533, ADARSH PAM RETREAT
LANE NO-2, PHASE-3
DEVARABISANAHALLI
BELLANDUR POST
BANGALORE-560 103

2. MISS SRISHA
D/O LATE R. RAJAGOPAL
AGED ABOUT 28 YEARS
R/A NORTH VILLA, NO.533
ADARSH PAM RETREAT, LANE NO-2
PHASE-3, DEVARABISANAHALLI
BELLANDUR POST
BANGALORE-560 103
3. SRI. BABU REDDY
S/O MUNI REDDY
MAJOR
R/A NORTH VILLA, NO.533
ADARSH PAM RETREAT, LANE NO-2
PHASE-3, DEVARABISANAHALLI
BELLANDUR POST
BANGALORE-560 103
4. SRI. SURESH
AGED ABOUT 60 YEARS
R/A BEHIND VENUGOPALASWAMI TEMPLE
DEVARABISANAHALLI VILLAGE
VARTHUR HOBLI
BANGALORE EAST TALUK
BANGALORE URBAN DISTRICT-560 103
5. SRI. DINESH
S/O SURESH
AGE ABOUT 32 YEARS
R/A BEHIND VENUGOPALASWAMI TEMPLE
DEVARABISANAHALLI VILLAGE
VARTHUR HOBLI



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BANGALORE EAST TALUK
BANGALORE URBAN DISTRICT-560 103

6. SMT. GAYATHRI
W/O SURESH
AGED ABOUT 50 YEARS
R/A BEHIND VENUGOPALASWAMI TEMPLE
DEVARABISANAHALLI VILLAGE
VARTHUR HOBLI
BANGALORE EAST TALUK
BANGALORE URBAN DISTRICT-560 103

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO PLEASED TO ISSUE A WRIT / ORDER DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER ORDER OR DIRECTION QUASHING THE IMPUGNED ORDER FOUND AT ANNEXURE -A DATED 16-7-2026 PASSED BY THE LEARNED ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-07) IN O.S. NO. 4802/2026 VIDE ANNEXURE-A AND CONSEQUENTLY GRANT TEMPORARY INJUNCTION AGAINST THE RESPONDENT NO. 1 TO 6 HEREIN AS SOUGHT/PRAYED FOR IN IA. NO. VIDE ANNEXURE/F2 PENDING ON THE FILE OF LEARNED TRIAL COURT IN O.S. NO. 4802/2026.

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 orders passed on I.A.No.2 and 3 dated 16.07.2026 in O.S.No.4802/2026 passed by the XXII Addl. City Civil & Sessions Judge, Bangalore, the plaintiff is before this court.



2. Learned Senior Counsel appearing for the petitioner submits that the plaintiff has filed a suit, O.S.No.4802/2026, seeking a permanent injunction, and has also filed I.A.No.2 & 3 for an ad-interim injunction, wherein the trial court has issued suit summons to the defendants. As the suit summons are not served on the defendants, the trial court is adjourning the matter. He submits that when an application is filed seeking ad-interim injunction, the trial court has to consider the same in accordance with law and has to pass orders on the merits of it. If the court keep on adjourning the matter and if the property is alienated and any constructions are made, it would cause lot of hardship to the plaintiff and there may be direction to the trial Court to consider the application on the merits of the matter.

3. Further, he 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:



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"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 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



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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. Considering the submission of the learned Senior Counsel for the petitioner, and particularly fact that the I.A.No.2 and 3 are pending from a long time, this Court is passing the following:

ORDER

- i. The writ petition is ***disposed of*** directing the trial court to consider I.A.No.2 and 3 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.: 76