



CNR: KAHC010512122026

NC: 2026:KHC:42469
WP No. 23387 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 23387 OF 2026 (GM-CPC)

BETWEEN:

SRI. S.HAREESH,
S/O LATE N. SHANTHARAM,
AGED ABOUT 60 YEARS,
RESIDING AT # 1347/18,
10TH MAIN, VIJAYANAGAR,
BENGALURU - 560 040.

...PETITIONER

(BY SRI. ANAND M SHOLAPURMATH., ADVOCATE)

AND:

1. KIRTI K MEHTA,
AGED ABOUT 60 YEARS,
AUTHORIZED SIGNATORY,
M/S UNISHIRE HOMES LLP,
NO.36, RAILWAY PARALLEL ROAD,
NEHURUNAGAR,
KUMARA PARK WEST,
BENGALURU - 560 020.
2. M/S. S.A. ENTERPRISES,
REPRESENTED BY ITS PROPRIETOR,
AHDUL LATHEEF JABBAR,
NO.51, 1ST CROSS,
KEMPEGOWDA LAYOUT,

Digitally signed
by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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N.NAGENAHLLY,
BENGALURU - 560 077.

3. M/S. S.A. ENTERPRISES,
REPRESENTED BY ITS PROPRIETOR,
ANOOP LOBO,
NO.29, 15TH CROSS,
KANAKANAGAR, R.T NAGAR,
BENGALURU - 560 032.

4. PRATHIK K MEHTHA,
MAJOR,
AUTHORISEZED SIGNATORY,
M/S UNISHIRE HOMES LLP,
OFFICE AT NO.42,
CASTLE STREET, ASHOK NAGAR,
BENGALURU - 25.

5. UNISHIRE HOMES LLP,
PARTNERSHIP FIRM
REGISTERED UNDER THE
REGISTRAR OF COMPANIES,
BANGALORE.

ITS REP BY MR.MOHAMMED SAIF,
R/AT NO.29, 3RD FLOOR,
15TH CROSS, KANAKANAGARA,
R.T NAGAR,
BENGALURU - 560 032.

ALSO CLAIMING THE
GPA HOLDER OF PLAINTIFF.
ALSO, R/AT NO.42,
CASTLE STREET,



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ASHOKNAGARA,
BENGALURU - 560 025.

6. RENILDA LOBO,
W/O ANOOP LOBO,
AGED ABOUT 44 YEARS,
R/AT 2-70/2, ACHARIPAL HOUSE,
ADYAR, ADYAR POST,
MANGALORE,
DAKSHINA KANNADA - 575 007.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SETTING ASIDE THE ORDER DATED 27.06.2026, PASSED ON I.A. NO.1 IN O.S. NO.4496/2026 (ANNEXURE-A), PENDING BEFORE IX ADDI CITY CIVIL AND SESSION JUDGE (CCH-5), BENGALURU, REFUSING TEMPORARY INJUNCTION AND FURTHER GRANT THE TEMPORARY INJUNCTION AGAINST THE RESPONDENTS 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 Petitioner is before this Court, aggrieved by the Order dated 27.06.2026 passed on IA No.1 in OS No.4496/2026 by the IX Additional City Civil and Sessions Judge (CCH-5), Bengaluru, whereby the Trial Court failed to consider IA No.1 filed by the petitioner-plaintiff seeking ad-interim injunction.



2. Learned counsel for the petitioner submits that the petitioner has filed an application seeking ad-interim injunction against the defendants. It is contended that the Trial Court ought to have considered the said application and passed appropriate orders on the merits of the matter. However, the Trial Court has issued emergent notice on I.A. No.1 and suit summons to the defendants.

3. In this regard, reliance is placed on the order passed by a 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 the 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



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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 defendant. Therefore, it would be appropriate for this



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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 submissions made by the learned counsel for the petitioner and in light of the order passed in ***W.P.No.35488/2025(GM-CPC)*** referred to supra, this matter is ***remanded*** to the Trial Court, directing it to consider I.A.No.1 filed by the petitioner in accordance with law.

5. In that view of the matter, this Court is passing the following:

ORDER

- i. The order dated 27.06.2026 passed on IA No.1 in OS No.4496/2026 on the file of the IX Additional City Civil and Sessions Judge (CCH-5), Bengaluru, is ***set aside***.
- ii. The matter is ***remanded back*** to the Trial Court and directing the Trial Court shall consider and dispose of I.A.No.1 in accordance with law, within a period of one week from the date of receipt of the copy of this order.



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- iii. Notwithstanding the fact as to whether notice has been served on the respondents or summons has been served on the defendants or not, the Trial Court shall consider the application in accordance with law.
- iv. Accordingly, the writ petition is ***disposed of.***
- v. Pending IAs, if any, shall stand closed.

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

SMC
List No.: 1 Sl No.: 11