



CNR: KAHC010516132026

NC: 2026:KHC:43963
WP No. 23334 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 23334 OF 2026 (GM-CPC)

BETWEEN:

SMT. S.A. RUKKAMMA
W/O SRI. LATE MUNI REDDY
AGED ABOUT 82 YEARS
SENIOR CITIZEN
RESIDING AT VILLA -B,
BANYANTREE APARTMENT,
KARIYAMMANA AGRAHARA ROAD,
BEHIND SAKRA HOSPITAL,
BELLANDUR POST,
BANGALORE - 560 103

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 - 560 103

...PETITIONER

(BY SMT. KRITHIKA CHANDRASHEKAR JAMKHANDI, ADVOCATE
FOR SRI. SUBBA REDDY K.N., ADVOCATE)

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signed by
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Location:
HIGH COURT
OF
KARNATAKA



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AND:

1. SMT. GEETHA RANI
W/O LATE SRI P. RAJGOPAL
AGED ABOUT 55 YEARS, R/A NORTH VILLA,
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/AT 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
AGE MAJOR,
R/A NORTH VILLA, NO.533,
ADARSH PAM RETREAT
LANE NO-2, PHASE-3,
DEVARABISANAHALLI,
BELLANDUR POST,
BANGALORE - 560 103
4. SRI. SURESH
S/O AGED ABOUT 60 YEARS
R/AT BEHIND VENUGOPALASWAMI TEMPLE



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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, 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 WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO-QUASHING THE IMPUGNED ORDER FOUND AT ANNEX-A DATED 16.07.2026 PASSED BY THE LEARNED ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-07) IN OS NO. 4802/2026 VIDE ANNEX-A AND CONSEQUENTLY GRANT TEMPORARY INJUNCTION AGAINST THE R1 TO 6 HEREIN AS SOUGHT/PRAYED FOR IN IA NO. 2 VIDE ANNEX-F1 PENDING ON THE FILE OF LEARNED TRIAL COURT IN OS 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



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ORAL ORDER

The petitioner is aggrieved by the order passed on IA Nos.2 and 3 in OS No.4802/2026 dated 16.07.2026 by the Additional City Civil and Sessions Judge, Bengaluru (CCH-07), whereby the Trial Court failed to consider IA Nos.2 and 3 filed by the petitioner-plaintiff seeking an ad-interim injunction.

2. Learned counsel for the petitioner submits that she has filed suit for declaration of title and injunction. In the said suit, she has filed IA Nos. 2 and 3 seeking an ad-interim injunction against the defendants. The Trial Court without considering IA Nos.2 and 3, has issued suit summons to defendant Nos.4 to 6 and notice on IA Nos.2 and 3.

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:



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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.



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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. Having heard the learned counsel for the petitioner, perused the entire material on record. Considering the order passed by the co-ordinate bench of this Court in



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W.P.No.35488/2025(GM-CPC) dated 09.12.2025 this Court
deems it appropriate to pass the following:

ORDER

- i. The writ petition is ***disposed of***, directing the Trial Court to dispose of the IA Nos.2 and 3 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 defendants.
- ii. Petitioner is at liberty to advance the matter before the Trial Court.
- iii. All pending I.As., in the petition shall stand closed.

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

SMC
List No.: 1 Sl No.: 26