



CNR: KAHC010551742026

NC: 2026:KHC:42286
WP No. 24797 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.24797 OF 2026 (GM-CPC)

BETWEEN:

MR. MANIBALAN
S/O SRI. P. ARUMUGAM
AGED ABOUT 71 YEARS
(SENIOR CITIZEN BENEFIT NOT CLAIMED)
RESIDING AT NO.140/A,
GROUND FLOOR, 5TH MAIN ROAD,
4TH BLOCK, RAJAJINAGAR,
BANGALORE – 560 010

...PETITIONER

(BY SRI. NISHAN G K, ADVOCATE)

AND:

1. M. GOPINATH
S/O LATE R. M. NAIDU
AGED ABOUT 58 YEARS
RESIDING AT NO.140/A.
6TH MAIN ROAD, 4TH BLOCK,
RAJAJINAGAR, BANGALORE – 560 010
2. THE DEPUTY GENERAL MANAGER
THE BANGALORE CITY CO-
OPERATIVE BANK LTD.
ADMINISTRATIVE OFFICE NO-3,
PAMPA MAHAKAVI ROAD,
CHAMARAJPETE,
BENGALURU – 560 018

...RESPONDENTS

(BY SRI. G. SURESH, ADVOCATE FOR C/R2)

Digitally signed
by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



NC: 2026:KHC:42286
WP No. 24797 of 2026

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE ORDER DATED 04.08.26 PASSED IN ORIGINAL SUIT NO.4204 OF 2023 BY XLI ADDL. CITY CIVIL AND SESSIONS JUDGE, AT BANGALORE (ANNEXURE-A) AND ETC

THIS PETITION COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed by the petitioner/plaintiff, aggrieved by the order dated 04.08.2026 passed in OS.No.4204/2023 by the XLI Addl. City Civil & Sessions Judge, Bangalore, whereby the trial court refused to extend the interim order and gave liberty to defendant No.2 to proceed with the property as per the provisions of the SARFAESI Act. The petitioner/plaintiff is before this Court.

2. Learned counsel appearing for the petitioner/plaintiff submits that there is no intention on the part of the petitioner/plaintiff not to proceed with the matter. In fact, he has partially concluded the arguments. If the interim injunction is vacated and the property is put up for auction, it would cause



significant hardship to the petitioner/plaintiff. Despite these facts, the trial court has failed to extend the interim order.

3. Learned counsel appearing for the defendant No. 2/respondent No. 2 herein submits that, as the petitioner obtained the interim injunction on 06.07.2023 and has not proceeded with the arguments on I.A. No. 1/24 to date, the trial court, having no other alternative, has refused to extend the interim order. It is submitted that the petitioner, having obtained the order on 06.07.2023, cannot continue to have the benefit of the order without arguing the matter.

4. Having heard the learned counsels on either side and perused the material on record, the suit is for a bare injunction against the landlord and the bank. The trial court has granted an injunction order dated 06.07.2023, restraining the respondents from interfering with his possession. The order dated 04.08.2026 notes that the petitioner, having obtained the order on 06.07.2023, has not advanced the arguments and has not been ready for consideration of I.A. No. 1/24 on merits; in such circumstances, the temporary injunction cannot be extended. If a party obtains an order of injunction and



forever seeks its extension of it and if he does not proceeding with the arguments, the court will have no other option but to pass an order where they refuse to extend the interim order. This court, balancing the interests of both parties, has expressed that the trial court will fix the date for hearing on I.A., and the learned counsel for the petitioner has insisted that the order be restored. The learned counsel for the respondent submits that until I.A. is decided, they will not take physical possession of the property. Considering the submissions of both counsels, this court is passing the following:

ORDER

- i. The writ petition is ***disposed of***, directing the plaintiff to proceed with the arguments in I.A.No.1/24 and to conclude the arguments on 30.09.2026.
- ii. Till the arguments are concluded, defendants shall not any coercive steps.
- iii. On that day, if the plaintiff fails to proceed with the arguments, the defendants are at liberty to proceed further.



**NC: 2026:KHC:42286
WP No. 24797 of 2026**

CNR: KAHC010551742026

iv. Pending I.As in this petition shall stand closed.

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

TS
List No.: 1 Sl No.: 82