



CNR: KAHC010551832026

NC: 2026:KHC:42755
WP No. 25061 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 25061 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. S. L. VENKATESH
S/O LATE. LINGAIAH,
AGED ABOUT 69 YEARS,
R/A. NO.203, SLV AKASH JEEVAN APTS,
SLV LAYOUT, NAYANDHALLI SOUTH,
MYSORE MAIN ROAD,
BANGALORE - 560 039.
2. SMT. R KRISHNA KUMARI
W/O SRI. S L VENKATESH
AGED ABOUT 60 YEARS,
R/A NO.203,
SLV AKASH JEEVAN APTS,
SLV LAYOUT, NAYANDHALLI SOUTH,
MYSORE MAIN ROAD,
BANGALORE - 560 039

Digitally signed
by SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA

...PETITIONERS

(BY SRI. NAGARAJ R, ADVOCATE)

AND:

1. PRAKASH
S/O VENKATAPPA
AGED ABOUT 55 YEARS
R/O BIDANAGERE VILLAGE,
KASABA HOBALI KUNIGAL TALUK,
TUMAKURU,
KARNATAKA-572130



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2. PUSHPA
W/O PRAKASH BIDANAGERE
AGED ABOUT 50 YEARS
R/O BIDANAGERE VILLAGE,
KASABA HOBALI,
KUNIGAL TALUK,
TUMAKURU
KARNATAKA – 572 130
3. RANGA @ RANGASWAMY
S/O PRAKASH BIDANAGERE
AGED ABOUT 25 YEARS
R/O BIDANAGERE VILLAGE,
KASABA HOBALI, KUNIGAL TALUK,
TUMAKURU,
KARNATAKA – 572 130
4. SRINIVAS BIDANAGERE
S/O LATE RANGAPPA BIDANAGERE
AGED ABOUT 53 YEARS,
R/O BIDANAGERE VILLAGE
KASABA HOBALI, KUNIGAL TALUK,
TUMAKURU,
KARNATAKA – 572 130

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF MANDAMUS DIRECTING THE LEARNED ADDL. CIVIL JUDGE & JMFC, KUNIGAL, TUMAKURU TO TAKE UP, HEAR AND DISPOSE OF I.A NO.1 FILED BY PETITIONERS UNDER ORDER XXXIX RULES 1 AND 2 READ WITH SECTION 151 OF CPC 1908 IN O.S NO.788/2026 EXPEDITIOUSLY VIDE ANNEXURE-E, IN ACCORDANCE WITH LAW.

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 present writ petition is filed seeking mandamus directing the Additional Civil Judge and JMFC, Kunigal, Tumakuru, to dispose of I.A.No.1 in O.S.No.788/2026.

2. Learned counsel for the petitioners/plaintiffs submits that by order dated 25.07.2026, the trial Court had issued suit summons to the defendants without considering I.A.No.1 filed by the petitioners seeking ad-interim injunction. He has relied on the order passed by the 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



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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 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."

3. Considering the submissions of the learned counsel for the petitioners, this Court is passing the following order:

ORDER

- i. The trial Court shall consider 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, notwithstanding the fact that the suit summons is not served on the respondents.



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- ii. The petitioner is at liberty to advance the matter.
- iii. Accordingly, the writ petition is ***disposed of***.
- iv. All I.As. in this petition shall stand closed.

Sd/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 37