



CNR: KAHC010564562026

NC: 2026:KHC:44065
WP No. 25558 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. 25558 OF 2026 (GM-CPC)

BETWEEN:

MR. N. S. RAJU,
AGED ABOUT 70 YEARS,
S/O. SRI. POOJARI SUBBEGOWDA,
R/AT. NO. 248 CHITRAKOOTA
7th MAIN 10TH CROSS,
NEAR WATER TANK,
NGEF LAYOUT, NAGARABHAVI,
BENGALURU-560072.

...PETITIONER

(BY SRI. D.R. RAVISHANKAR, SR. COUNSEL FOR
SRI. RAJU BHAT.,ADVOCATE)

Digitally
signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA

AND:

1. SMT. PADMA SURENDRA,
W/O. LATE DR. R.S. SURENDRA,
AGED ABOUT 80 YEARS,
2. SRI. R.S. RAVINDRA,
S/O. LATE DR. R.S. SURENDRA,
AGED ABOUT 60 YEARS,
3. SMT. H.S. NETRAKALA,
AGED ABOUT 55 YEARS,



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W/O. SRI. R.S. RAVINDRA,

4. MS. RIHA JAIN,
AGED ABOUT 29 YEARS,
D/O. SRI. R.S. RAVINDRA,
5. MS. NEHA JAIN,
AGED ABOUT 24 YEARS,
D/O SRI. R.S. RAVINDRA,
6. SMT. RASHMI SHYAM,
AGED ABOUT 51 YEARS,
D/O. LATE DR. R.S. SURENDRA,
W/O SHYAM SUNDAR. S,
7. SRI. R.S. SUDHINDRA,
S/O. LATE DR. R.S. SURENDRA,
AGED ABOUT 49 YEARS,
8. SMT. TRIVENDI SUDHINDRA,
AGED ABOUT 48 YEARS,
W/O. SRI. SUDHINDRA,
9. SRI. DIVIK JAIN,
S/O. SRI. R.S. SUDHINDRA,
AGED ABOUT 18 YEARS,

ALL ARE R/AT
NO.582, 10th MAIN ,
JAYANAGAR 5TH BLOCK,
BENGALURU - 560041.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO-QUASH PORTION OF THE ORDER DATED, 04/08/2026 PASSED ON IA NO. 2 U/O 39 RULE 1 AND 2 OF CPC PASSED IN O.S.NO.438/2026 BY THE COURT OF THE PRL. SENIOR CIVIL JUDGE AND CJM, TUMAKURU IN NOT GRANTING EX-PARTE ORDER OF TEMPORARY INJUNCTION. A CERTIFIED



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COPY OF THE ENTIRE ORDER SHEET OF OS 438/2026 SENIOR CIVIL JUDGE AND CJM TUMKUR IS HEREBY PRODUCED AS ANNEXURE-A.

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, questioning the order dated 04.08.2026 passed on I.A.No.2 in O.S.438/2026 by the Principal Senior Civil Judge and CJM, Tumakuru, whereby the trial Court has issued suit summons and notice on I.A.No.2, which is filed seeking an ad interim injunction. It is submitted that when an application is filed seeking an ad interim injunction, the Court has to pass an order on the merits of the matter and cannot issue suit summons.

2. He has relied on order passed by Co-ordinate Bench of this Court in ***Dhalitha Vividha Gramodyoga Kaigarika Sahakara Sanga Niyamitha (R) Vs Samatha Sainika Dal SSD,***



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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 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



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

ORDER

- i. Accordingly, the writ petition is ***disposed of***, directing the trial Court to dispose of I.A No.2 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.



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- ii. The petitioners are at liberty to advance the matter.
- iii. All pending I.As., in the petition shall stand closed.

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

PKN
List No.: 1 SI No.: 59