



CNR: KAHC010580502026

NC: 2026:KHC:48613
WP No. 26594 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 26594 OF 2026 (GM-CPC)

BETWEEN:

1. M/S JRVD DEFSPACE TECHNOLOGIES
PRIVATE LIMITD
A COMPANY REGISTERED UNDER THE
COMPANIES ACT, 2013
IT'S REGISTERED OFFICE AT
NO.163, H CROSS, 2ND PHASE,
IDEAL HOMES, RR NAGAR,
BENGALURU, KARNATAKA 560 098.

ALSO AT PLOT NO.25-P-12,
SY. NO.135, PHASE-1, ABBANAKUPPE,
BIDADI INDUSTRIAL AREA,
BANGALORE URBAN - 562 109
KARNATAKA.

REP. BY ITS AUTHORIZED
SIGNATORY/DIRECTOR
MR. SUKESH HEGDE.

...PETITIONER

(BY SRI ASHWIN KUMAR H., ADVOCATE FOR
SMT. VAISHNAVI SIVASANKAR, ADVOCATE)

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by VINUTHA B
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Location: High
Court of
Karnataka





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AND:

1. MR PRASANNA KUMAR D. S.,
S/O. SRINIVASA GOWDA,
AGED ABOUT 45 YEARS,
NO.40, 2ND MAIN,
KARNATAKA LAYOUT,
BASWESHWARA NAGAR,
2ND STAGE, BENGALURU - 560 079.
2. WEBSMART INDIA PRIVATE LIMITED,
NO.313, 3RD FLOOR, 7TH BLOCK,
OUTER RING ROAD,
NAGARBHAVI 2ND STAGE,
BENGALURU - 560 072
KARNATAKA,

E-MAIL ENQUIRY@WEBSMARTINDIA.COM
REP. BY ITS AUTHORIZED SIGNATORY.

...RESPONDENTS

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER DATED 11.08.2026 PASSED IN I.A. NO.1, AT ANNEXURE-A IN ORIGINAL SUIT NO.5872/2026 BY THE XI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT CITY CIVIL AND SESSIONS COURT, BENGALURU.

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



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CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

Heard Sri Ashwin Kumar H., learned counsel for Smt. Vaishnavi Sivasankar, learned counsel for the petitioner.

2. This petition is filed impugning the order dated 11.08.2026, wherein the trial Court issued suit summons to the defendants and emergent notice on I.A.No.1 filed under Order XXXIX Rules 1 and 2 for grant of *ex parte ad interim* order of temporary injunction.

3. Learned counsel appearing for the petitioner, placing reliance on the judgment of the Co-ordinate Bench of this Court in the case of ***Dhalitha Vividha Gramodyoga Kaigarika Sahakara Sanga Niyamitha (R) vs. Samatha Sainika Dal SSD***, in ***W.P.No.35488/2025 dated 09.12.2025***, submits that the trial Court is required to pass an order on the application filed under Order XXXIX Rules 1 and 2, either granting or rejecting the *ex parte ad interim* order of temporary injunction, and issuance of the summons is not an alternative.



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4. Considered the submissions made by learned counsel for the petitioner.

5. The Co-ordinate Bench of this Court, in W.P.No.35488/2025 (*supra*), held as under:

"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 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



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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 party order of temporary injunction by providing proper reasons."

5.1 In the light of the pronouncement by the Co-ordinate Bench of this Court, the trial Court is directed to pass orders on the application filed under Order XXXIX Rules 1 and 2, either granting or rejecting the *ex parte ad interim* order of temporary injunction. For such purpose, the matter requires to be reconsidered.

6. In the view of the above, the following:

ORDER

- (i) The writ petition is ***disposed of***.
- (ii) The trial Court is directed to pass orders on I.A.Nos.I and II filed under Order XXXIX Rules 1 and 2, either granting or rejecting the prayer for *ex parte ad interim* temporary injunction.



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- (iii) As evident from the order sheet, the next date of hearing is on 30.09.2026. In that view of the matter, the petitioner is permitted to seek advancement of the case.
- (iv) On advancement, the trial Court shall pass orders on the applications within one week from the date of advancement.

**Sd/-
(K. V. ARAVIND)
JUDGE**