



CNR: KAHC010597352022

NC: 2026:KHC:43987  
WP No. 25475 of 2022

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 17<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL**

**WRIT PETITION NO. 25475 OF 2022 (GM-CPC)**

**BETWEEN:**

SAVITHRI R  
W/O LATE SRI. C VENKATESHAIAH  
AGED ABOUT 67 YEARS,  
#2, D GROUP LAYOUT,  
60 FT MAIN ROAD,  
LINGADHEERANAHALLI,  
VISHWANEEDAM POST,  
BENGALURU - 560 091

...PETITIONER

(BY SRI. K.S. PONNAPPA, ADVOCATE)

**AND:**

ANIL KUMAR S,  
S/O LATE C. SHANKARAPPA,  
AGED ABOUT 35 YEARS,  
#256, SRI. LAKSHMI VENKATESHWARA NILAYA,  
NEAR PUTTANNA SCHOOL,  
ACHARYA COLLEGE ROAD,  
ANDRAHALLI MAIN ROAD,  
VISHWANEEDAM POST,  
BENGALURU - 560 091

...RESPONDENT

(BY SRI. MAHESH R., ADVOCATE)

Digitally signed  
by  
ANNAPURNA G  
Location: High  
Court of  
Karnataka



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THIS W.P. IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD 15.12.2022 PASSED BY THE I ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL DISTRICT, BENGALURU IN O.S.NO.2591/2022 VIDE ANNEX-A ON I.A. NO.1 AND 2 AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

**CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL**

**ORAL ORDER**

This writ petition is filed challenging the order dated 15.12.2022 passed in O.S.No.2591/2022 by the I Additional Senior Civil Judge, Bengaluru Rural District, Bengaluru (hereinafter referred to as the 'trial Court' for short).

2. Heard Sri. K.S. Ponnappa, learned counsel appearing for the petitioner, Sri Mahesh R., learned



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counsel appearing for the respondent and perused the material available on record.

3. The petitioner had filed a suit in O.S.No.2591/2022 seeking the relief of declaration that the Will dated 15.07.2021, stated to have been executed by Late Sri. C. Venkateshaiah and registered in the Office of Sub-Registrar, Tumkur on 09.05.2022, is a fabricated, forged and void instrument and other consequential reliefs.

4. In the said suit, the plaintiff filed I.A.No.1 under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC') seeking prayer to grant ad-interim ex-parte order of temporary injunction restraining the defendant from trespassing into or interfering with the plaintiff's possession and enjoyment of the suit schedule properties pending disposal of the said suit.

5. The trial Court, under the impugned order dated 15.12.2022, issued an emergent notice on the



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application for temporary injunction and also ordered issuance of suit summons to the defendant. Being aggrieved of not granting an ex-parte temporary injunction, the present petition is filed.

6. It is to be noticed that this Court, vide order dated 20.12.2022, granted a temporary injunction restraining the defendant from interfering with the plaintiff's possession of the suit schedule property until the next date of hearing, and the said interim order continues to operate as on this day.

7. It is contended that the defendant in the said suit has not filed a written statement and that the matter is now posted for the cross-examination of PW-1. Even at that stage, sufficient time has been sought by the defendant to cross-examine PW-1.

8. Considering the aforesaid aspect and the interim order granted by this Court on 20.12.2022, which continues to be in force, I am of the view that the ends of justice would be met if the said interim order granted by



this Court is continued till the disposal of the suit. Hence, I proceed to pass the following:

**ORDER**

- a) The writ petition is ***allowed***.
  - b) The injunction order granted by this Court on 20.12.2022 shall remain in force till the disposal of the suit.
  - c) It is made clear that this Court has not expressed any opinion on the merits of the case.
  - d) The trial Court shall endeavour to dispose of the suit as expeditiously as possible.
- No order as to costs.

**Sd/-  
(VIJAYKUMAR A. PATIL)  
JUDGE**

SHS  
List No.: 1 Sl No.: 38