



CNR: KAHC010620002026

NC: 2026:KHC:49171
WP No. 28331 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 28331 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. RATHNAMMA
W/O JANARDHANA SETTY,
AGED ABOUT 56 YEARS,
R/AT ALDUR HOSAHALLI VILLAGE,
ALDUR POST, CHIKKAMAGALURU TALUK,
PIN 577101.

...PETITIONER

(BY SRI JAGADEESH D. C., ADVOCATE)

AND:

1. SRI. RAMESHA
S/O SIDDAPPA SETTY,
AGED ABOUT 52 YEARS,
R/AT ALDUR HOSAHALLI VILLAGE,
ALDUR POST, CHIKKAMAGALURU TALUK,
PIN 577101.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE TRIAL COURT TO CONSIDER AND DISPOSE OFF THE IA NO. 1 FILED UNDER ORDER 39 RULE 1 AND 2 CPC VIDE ANNEXURE A-1, EXPEDITIOUSLY IN O.S NO.410/2026 IN ACCORDANCE WITH LAW.

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



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

ORAL ORDER

The limited grievance in the present writ petition is the non-consideration of I.A. No.1 filed under Order XXXIX Rules 1 and 2 of the CPC, seeking an order of temporary injunction restraining the defendant from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

2. It is submitted that though the trial Court issued notice on the application, returnable by 28.08.2026, on the said date, further time was granted to the defendants for filing their objections. It is further submitted that the non-consideration of I.A. No.1 has caused irreparable damage to the suit schedule property.

3. I have considered the submissions made by the learned counsel for the petitioner.

4. Upon the appearance of both parties and their availability before the trial Court, the trial Court is directed to consider and



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pass necessary orders on I.A. No.1 within two weeks from the date of placing a copy of this order on record. For the said purpose, the petitioner is permitted to seek advancement of the suit.

5. With the above direction, the writ petition stands ***disposed of.***

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

VP
List No.: 1 Sl No.: 38