



CNR: KAHC010672422026

NC: 2026:KHC:55286
WP No. 30645 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 30645 OF 2026 (GM-CPC)

BETWEEN:

1. MRS. NIKHAT PARVEEN
W/O. MR. MOHAMED SALEHA,
AGED ABOUT 48 YEARS,
RESIDING AT NO. 12,
VIRATANAGAR,
ROOPENA AGRAHARA,
BENGALURU 560068.

...PETITIONER

(BY SRI. SIDDHARTH SUMAN, ADVOCATE)

AND:

1. MR. MOHAMED SALEHA
S/O. LATE MOHAMED IQBAL,
AGED ABOUT 57 YEARS,
2. SMT. FAREEDA
W/O. MOHAMED IQBAL,
AGED ABOUT 77 YEARS,



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3. SMT. NUZATH
D/O. MOHAMED IQBAL,
AGED ABOUT 44 YEARS,

ALL ARE RESIDING AT NO.24,
2ND CROSS, GIDDAPPA BLOCK,
GANGANAGAR, R.T. NAGAR POST,
BENGALURU - 560032.

...RESPONDENTS

(BY SRI. ABDUL MAJID, ADVOCATE FOR R1 (VC))

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECTION OR ORDER,
SETTING ASIDE THE IMPUGNED ORDER DATED 22.09.2026
PASSED IN O.S. NO.7038/2026 BY THE HON'BLE CCH-7 XXII
ADDL. CITY CIVIL AND SESSIONS JUDGE AT BENGALURU I.E.
ANNEXURE-AII AND ETC,.

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

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



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ORAL ORDER

The present petition impugns the order dated 22.09.2026, whereby the Trial Court issued notice on I.A. Nos. 1 and 2 filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908, seeking an order restraining the respondents from alienating the suit schedule property and from interfering with the petitioners' possession thereof.

2. Learned counsel appearing for the petitioner submits that the Trial Court heard the plaintiff/petitioner on the application seeking an ex parte temporary injunction and, when the matter was posted for orders on 22.09.2026, learned counsel voluntarily appeared on behalf of defendant No.1 and sought time to file objections. Consequently, the Trial Court issued notice on I.A. Nos. 1 and 2 to defendant Nos. 2 and 3, without granting any interim protection to the petitioner.

2.1 It is further submitted that, taking advantage of the order dated 22.09.2026, the defendants are attempting to dispossess the petitioner. It is contended that, if the petitioner is dispossessed before consideration of the pending applications,



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the very purpose of the suit would be defeated and the suit would be rendered infructuous.

3. Learned counsel appears through video conference for respondent No.1, who has entered appearance even prior to issuance of notice, seeks time to file objections and make submissions. In view of the aforesaid, no further notice is required to be issued to respondent No.1.

4. In view of the limited direction proposed to be issued by this Court, issuance of notice to respondent Nos. 2 and 3 is dispensed with.

5. Considered the submission of learned counsel for the petitioner and respondent No.1.

6. Perusal of the order sheet indicates that the Trial Court heard the plaintiff on the application seeking an ex parte temporary injunction on 21.09.2026 and adjourned the matter for orders to 22.09.2026. On the said date, learned counsel for defendant No.1 appeared before the Court and sought time to file objections.



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7. When the plaintiff had expressed apprehension of interference, the Trial Court, having heard the matter, ought to have passed an appropriate order on the application. The conduct of defendant No.1 in appearing in the suit even before issuance of notice has resulted in the petitioner being deprived of any interim protection from the Trial Court.

8. In the facts and circumstances of the present case, this Court is inclined to restrain the defendants from interfering with the peaceful possession of the petitioner and from creating any third-party interest in respect of the suit schedule property, until consideration of I.A. Nos. 1 and 2 by the Trial Court.

9. The Trial Court is directed to consider and dispose of I.A. Nos. 1 and 2 within two months from the next date of hearing, stated to be 09.10.2026.

Accordingly, the writ petition stands ***disposed of***.

SD/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 SI No.: 42