HC-KAR

NC: 2026:KHC:65327
WP No. 14900 of 2026

CNR: KAHC010331892026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 14900 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. DEEPU. B.,
   C/O PUTTAMMA,
   AGED ABOUT 37 YEARS,
   RESIDING AT KHAJI SONNENAHALLI,
   KANNAMANGALA, BENGALURU SOUTH,
   BENGALURU - 560 067.

...PETITIONER

(BY SRI ASHWIN PRABHU, ADVOCATE FOR
SRI AJAY KUMAR N., ADVOCATE)

AND:

Digitally signed by VIJAYA P
Location: High Court of Karnataka

1. SMT. MANJULA,
   D/O LATE SRI. YELLAPPA,
   AGED ABOUT 29 YEARS,
   RESIDING AT NO. 106C,
   RAMPURA, BYCHAPURA,
   ANNESHWARA, BENGALURU RURAL - 562 110.

2. SRI. BHARATH KUMAR,
   S/O LATE SRI. YELLAPPA,
   AGED ABOUT 20 YEARS,
   RESIDING AT BYCHAPURA,
   BENGALURU RURAL - 562 110.

3. SRI. MANGILAL,
   S/O SRI. KESARAM,

MAJOR IN AGE,
RESIDING AT NO.40A,
CLASSIC ORCHARDS,
BEHIND MEENAKSHI TEMPLE,
BANNERGHATTA ROAD,
BENGALURU 560 076.

4. SRI. MAHAVEER GULECHA,
S/O TEJRAJ GULECHA,
AGED ABOUT 43 YEARS,
RESIDING AT NO.40A,
CLASSIC ORCHARDS COLONY,
SOS VILLAGE POST,
BANNERGHATTA ROAD,
BEHIND MEENAKSHI TEMPLE,
BENGALURU - 560 076.

…RESPONDENTS

(BY SRI SAMMITH S., ADVOCATE FOR R5;
VIDE ORDER DATED 03.07.2026 NOTICE TO
R1 TO R3 IS HELD SUFFICIENT)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING/SETTING ASIDE THE ORDER DATED 05.02.2026 PASSED ON I.A. NO.1 IN O.S. NO.38/2026 BY THE PRINCIPAL CIVIL JUDGE AND JMFC, DEVANAHALLI, INSOFAR AS THE LEARNED TRIAL COURT HAS DECLINED TO GRANT EX PARTE AD-INTERIM TEMPORARY INJUNCTION AND HAS MERELY ORDERED EMERGENT NOTICE (ANNEXURE-A) ETC.

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

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

ORAL ORDER

The present petition is filed challenging the order dated 05.02.2026 passed in O.S. No.38/2026, whereby the Trial Court has ordered issuance of emergent notice on I.A. No.1 filed under Order XXXIX Rules 1 and 2 of the CPC.

2. This Court, by order dated 12.05.2026, granted an interim order as prayed for in the writ petition. The interim prayer was to restrain the respondents from alienating or creating third-party rights in respect of the suit schedule property. The said interim order has continued to operate till date.

3. Having regard to the fact that the limited grievance of the petitioner is with respect to the non-grant of an ex parte temporary injunction, it would suffice if the interim order granted by this Court on 12.05.2026 is extended for a period of four weeks, with a direction to the Trial Court to dispose of the said application within the stipulated period.

4. It is noticed from the case status that the next date of hearing in the suit is 30.11.2026, on which date I.A. No.1 is posted for orders.

5. Accordingly, the following :

O R D E R

I. The writ petition is ***allowed in part***.

II. The interim order dated 12.05.2026 granted by this Court shall continue to operate for a period of four weeks.

III. In the event I.A. No.1 is not disposed of on 30.11.2026, the Trial Court is directed to dispose of the said application within a further period of two weeks from 30.11.2026.

Sd/-
(K. V. ARAVIND)
JUDGE

VP
List No.: 1 Sl No.: 10