HC-KAR

NC: 2026:KHC:61564-DB
COMAP No. 346 of 2026

CNR: KAHC010474322026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

COMMERCIAL APPEAL NO. 346 OF 2026

BETWEEN:

1. A P KRISHNAPPA
   S/O KOGILU MUTHAPPA
   AGED ABOUT 72 YEARS

2. A C GOWRAMMA
   W/O A PKRISHNAPPA
   AGED ABOUT 60 YEARS

3. SARITHA KUMAR SRIJITH
   D/O A PKRISHNAPPA
   AGED ABOUT 41 YEARS

4. SRIJITH Y L
   S/O A PKRISHNAPPA
   AGED ABOUT 43 YEARS

5. MAHESH KUMAR N K
   S/O A PKRISHNAPPA
   AGED ABOUT 42 YEARS

6. NAVEEN KUMAR N K
   S/O A PKRISHNAPPA
   AGED ABOUT 38 YEARS

   SL. No.1 TO 6 ARE
   RESIDING AT NO.99,
   SRI NANDA GOKULA NIVASA
   NAVARATHNA AGRAHARA VILLAGE,

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

JALA HOBLI,
DEVANAHALLI-562110

…APPELLANTS

(BY SRI. PURUSHOTHAM R., ADVOCATE)

AND:

1. NAVANAAMI PROJECTS
PRIVATE LIMITED
A COMPANY INCORPORATED
UNDER PROVISIONS OF
COMPANIES ACT 1956
HAVING ITS REGISTERED OFFICE
AT PLOT NO.246, ROAD NO.78,
JUBILEE HILLS, HYDERABAD-500033
TELANGANA AND BRANCH OFFICE
AT NO.1127, GROUND FLOOR,
20TH MAIN, 20TH CROSS
A BLOCK, SAHAKARANAGAR
BENGALURU-560055
BY ITS FINANCE MANAGER
ANIL KUMAR PRAKASH

2. DS-MAX PROPERTIES PVT LTD
A COMPANY INCORPORATED
UNDER PROVISIONS OF
COMPANIES ACT 1956
HAVING ITS REGISTERED OFFICE
AT NO.1854 17TH MAIN,
30TH B CROSS, HBR LAYOUT,
1ST STAGE, 5TH BLOCK
BENGALURU-560043

…RESPONDENTS

(BY SRI. SANJAY H SETHIYA, ADVOCATE FOR C/R1
(CP No.11169/26) & ACCEPTS NOTICE FOR R1)

THIS COMAP FILED UNDER SECTION 13(1-A) OF COMMERCIAL COURT ACT, PRAYING TO SET ASIDE THE IMPUGNED ORDER DATED 24.04.2026 PASSED BY THE 10TH

ADDITIONAL DISTRICT AND SESSIONS JUDGE, (DEDICATED COMMERCIAL COURT) BENGALURU RURAL DISTRICT, BENGALURU ON I.A.NO.2 FILED BY THE PLAINTIFF UNDER ORDER 39 RULES 1 AND 2 OF CPC IN COMML.OS. NO.25/2026 AND DISMISS THE SAID APPLICATION (I.A.NO.2) BY ALLOWING THIS APPEAL WITH COSTS, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

This Court issued notice on **28.07.2026** on this appeal. However, till date, steps have not been taken for the service of notice on the respondent.

2. Learned counsel for the appellant, for his convenience, has attempted to address this Court through virtual mode. However, he is neither visible nor audible.

3. Even otherwise on merits, we do not find any ground to interfere with the impugned order whereby the interim application of the plaintiff under Order XXXIX Rules 1 and 2 of the Code of

Civil Procedure, 1908 (CPC) has been allowed by the learned court below. We, therefore, dismiss this appeal.

All pending applications, if any, stand disposed of.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

RKA
List No.: 1 Sl No.: 5