HC-KAR

NC: 2026:KHC:64443
WP No. 24499 of 2026

CNR: KAHC010537662026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 24499 OF 2026 (GM-CPC)

BETWEEN:

1. SMT PUSHPALATHA,
   D/O JAYARAMU,
   AGED ABOUT 29 YEARS,
   R/AT KAGGALAHALLI VILLAGE,
   HAROHALLI HOBLI, HAROHALLI TALUK,
   BENGALURU SOUTH DISTRICT-562112

...PETITIONER

(BY SRI DHANUSH B., ADVOCATE FOR
SRI GANESH M., ADVOCATE)

AND:

Digitally signed by VIJAYA P
Location: High Court of Karnataka

1. SRI JAYARAMU
   S/O LATE N.NANJAPPA
   AGED ABOUT 60 YEARS,

2. SMT.JAYAMMA
   W/O JAYARAMU
   AGED ABOUT 55 YEARS,

3. SMT. SHILPA
   D/O JAYARAMU,
   AGED ABOUT 35 YEARS,

4. SRI LEELA
   D/O JAYARAMU,
   AGED ABOUT 32 YEARS,

5. SRI SAGAR,
S/O JAYARAMU
AGED ABOUT 24 YEARS,

ALL ARE RESIDING AT
KAGGALAHALLI VILLAGE,
HAROHALLI HOBLI,
HAROHALLI TALUK,
BENGALURU SOUTH DISTRICT-562112

6. SRI. MADHURANAATH S.,
S/O S.SHANTHA KUMAR,
AGED ABOUT 65 YEARS,
RESIDING AT NO.2778,
16TH CROSS, BANASHANAKARI 2ND STAGE,
BENGALURU -560070.

…RESPONDENTS

(VIDE ORDER DATED 19.11.2026 NOTICE
TO RESPONDENTS IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE HON'BLE SENIOR CIVIL JUDGE AND JMFC, KANAKAPURA, TO DECIDE ANNEXURE-B THE INTERLOCUTORY APPLICATION FILED BY THE PETITIONER HEREIN U/ORDER 39 RULE 1 AND 2 R/W SECTION 151 OF CPC FILED ON 22.07.2026 IN OS NO.782/2026, TO DECIDE THE SAME ON MERITS AND WITHIN A SPECIFIC TIME FRAME, IN THE INTEREST OF JUSTICE AND EQUITY.

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 seeking a limited relief of expeditious consideration of I.A. No.1 filed under Order XXXIX Rules 1 and 2 of the CPC.

2. Learned counsel appearing for the petitioner submits that the suit is one for partition and separate possession. An application under Order XXXIX Rules 1 and 2 of the CPC was filed seeking an order of temporary injunction restraining defendant No.6 from alienating the suit schedule property during the pendency of the suit.

2.1 It is submitted that the Trial Court, without examining the prima facie case made out by the petitioner and without exercising the discretionary jurisdiction vested in it, has merely ordered issuance of emergent notice on I.A. No.1.

3. Considered the submissions made by learned counsel for the petitioner and perused the material on record.

4. In view of the limited nature of the relief sought, this Court is inclined to dispense with notice to the respondents.

5. The application under Order XXXIX Rules 1 and 2 of the CPC seeks an order of restraint against defendant No.6 in a suit for partition, who is stated to be a non-family member. It is submitted that respondent No.6 is a purchaser who acquired the property much prior to the institution of the suit. In that view of the matter, this Court finds no error in the Trial Court issuing notice to defendant No.6 for consideration of I.A. No.1.

6. However, any application seeking interim relief requires timely consideration, failing which, it may result in multiplicity of proceedings and frustrate the very purpose of the application. Accordingly, the Trial Court is directed to consider and dispose of I.A. No.1, which is pending consideration, within four weeks from the next date of hearing, scheduled on 15.12.2026.

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

Sd/-
(K. V. ARAVIND)
JUDGE

VBS/List No.: 1 Sl No.: 5