CNR: KAHC010578702024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO.27217 OF 2024 (GM-CPC)

BETWEEN:

IDBI BANK LTD
RETAIL RECOVERY IDBI HOUSE,
58, MISSION ROAD,
BENGALURU - 560 027
REPRESENTED BY ITS
DEPUTY GENERAL MANAGER

...PETITIONER

(BY SRI. T P MUTHANNA, ADVOCATE - ABSENT)

AND:

1. SRI. SHIVAKUMAR S
S/O V S SHANMUGAM,
AGED ABOUT 29 YEARS,
#25, 4TH FLOOR, SINDHI COLONY,
J.C. ROAD,
BENGALURU - 560 002.

GODOWN ADDRESS
SS LOGISTICS, SY.NO.27,
DEGANAHALLI VILLAGE,
BOODHIHALA,
KASABA HOBLI,
NELAMANGALA,
BENGALURU RURAL

2. SRI. PUVI KUMAR
S/O SRI. S.SUGA KUMAR

Digitally signed by
JAI JYOTHI J
Location: HIGH
COURT OF
KARNATAKA

AGED ABOUT 44 YEARS,
3. SRI. B. KANGAACHALAM
S/O SRI. U P BALASUBRAMANIAN
AGED ABOUT 54 YEARS,

BOTH RESIDING AT:
NO.26, 3RD FLOOR, 1ST CROSS
SINDHI COLONY, J.C. ROAD,
BENGALURU - 560 002.

…RESPONDENTS

(VIDE ORDER DATED 02.07.2026, NOTICE TO R1 TO R3 IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE EX-PARTE TEMPORARY INJUNCTION ORDER DATED 12.09.2024 PASSED BY THE LEARNED XXXVIII ADDL. CITY CIVIL & SESSIONS JUDGE, BENGALURU IN OS NO.6151/2024 (ANNEXURE-G) IN IA NO.1; AND ETC

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

CORAM: **HON'BLE MS. JUSTICE TARA VITASTA GANJU**

ORAL ORDER

1. On the first call, the counsel for the petitioner sought for a pass over. The matter has since been called out twice. There is no presence on behalf of the petitioner.

2. The Registry has raised an objection regarding the maintainability of the petition in view of the fact that the Impugned Order that is sought to be challenged is an appealable order under Order 43 Rule 1(r) of the Code of Civil Procedure, 1908 (hereinafter referred to as the 'CPC) since the Impugned Order has been passed under Order 39 Rules 1 and 2 of the CPC.

3. On 27.10.2026, this Court had also granted the petitioner two days' time to remove the office objections, which has still not been done. The order dated 27.10.2026 is set out below:

> *"1. The learned counsel for the petitioner requests for two days' time to remove the office objections. At his request, list on 30.10.2026.*
>
> *2. The interim order granted earlier on 01.10.2024 is extended till the next date of hearing."*

4. It seems clear that the petitioner is not interested in prosecuting this matter. More so, in view of the fact that the order under challenge is an appealable order, this petition cannot proceed.

5. Accordingly, the petition is ***disposed of.*** All pending applications stand closed.

6. However, liberty is granted to the petitioner/Bank to take appropriate steps in accordance with law, for redressal of their grievances, if they so deem fit, in accordance with law.

7. It is clarified that this Court has not examined the claim of the petitioner/Bank on merits. The rights and contentions of both parties are left open to be adjudicated before the Trial Court.

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

KS
List No.: 1 Sl No.: 12