HC-KAR

NC: 2026:KHC:60370
WP No. 29900 of 2026

CNR: KAHC010653762026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 29900 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. SAJJAD AEJAZ KHAN
S/O AEJAZ AHMED KHAN,
AGED ABOUT 65 YEARS,
RESIDING AT NO. 1027, 1ST STAGE,
HBR LAYOUT, KALYAN NAGAR,
BENGALURU-560043.

...PETITIONER

(BY SRI. SHAIK ISMAIL ZABIULLA, ADVOCATE)

AND:

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

1. SMT. LEELAVATHI
W/O NARASIMHA MURTHY,
D/O LATE SINGARAIAH,
AGED ABOUT 47 YEARS,
RESIDING AT NO. 89,
NAGANAHALLI, KASABA HOBLI,
BANK ROAD, MYSURU TALUK,
MYSURU DISTRICT- 570003

2. SMT. S JAYAMMA,
W/O LATE SINGARAIAH,
AGED ABOUT 67 YEARS,
RESIDING AT NO. 400, FLAT NO. 102,
1ST FLOOR, SRI. BALAJI ROYAL APARTMENT,
VIJAYANAGAR, 3RD STAGE,
MYSURU-570030

3. SMT. NETHRAVATHI,
W/O CHETAN E.R,
D/O LATE SINGARAIAH,
AGED ABOUT 52 YEARS,
RESIDING AT 202,
SRI. TULASI RESIDENCY,
HUNASURU ROAD, K.H.B COLONY,
OPPOSITE TO BELAVADI POST OFFICE,
HOOTAGALLI, MYSURU- 570018

4. SRI. S.K NAGARAJU,
S/O LATE KARIBASAPPA,
AGED ABOUT 67 YEARS,
RESIDING AT NO. 602, 14TH CROSS,
3RD STAGE, GOKULAM,
DEVARAJ MOHALLA,
MYSURU-570002

5. SRI. MOHAMMED JAMEEL AMAAN,
S/O KHASIM AMANULLAH,
AGED ABOUT 38 YEARS,
RESIDING AT NO. 146, 9TH CROSS,
SHIVAJI ROAD, NR MOHALLA,
MYSURU-570007

6. SRI. MOHAMMED IQLAQ WARIES,
S/O MOHAMMED ISHAQ,
AGED ABOUT MAJOR,
RESIDING AT NO. 189, 3RD CROSS,
M.G ROAD, UDAYAGIRI,
LASHKAR MOHALLA,
MYSURU-570019

7. SRI. NANJUNDA,
S/O NANJAPPA,
AGED ABOUT 48 YEARS,
RESIDING AT NO. 4461, 7TH CROSS,
ST. MARRY'S ROAD,
N.R MOHALLA, MYSURU-570007

8. SRI. WAHID KHAN,
S/O MOHAMMED ILYAS,
AGED ABOUT 43 YEARS,
RESIDING AT NO. 3206/22,
MOHAMMED SAIT BLOCK,
LASHKAR MOHALLA,
MYSURU-570001.

9. SMT. MANJULA REDDY,
W/O YADDAGUDDI R REDDY,
AGED ABOUT 66 YEARS,
RESIDING AT P NO. A21, C 21,
8-2-293/82/F/A/A, 21/C21,
CO-OPERATIVE FILM NAGAR,
JUBILEE HILLS, HYDERABAD,
TELANGANA-500033.

10. THE COSMOS CO-OPERATIVE BANK LTD,
PUNE OFFICE AT COSMOS HEIGHTS,
HAVING ITS OFFICE AT 269/270,
SHANIWAR PETH, PUNE 411030
BRANCH AT BENGALURU
REPRESENTED BY ITS AUTHORIZED
REPRESENTATIVE

…RESPONDENTS

(BY SRI N.V. VASANTH, ADVOCATE FOR R1)

THIS W.P. IS FILED IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 15.07.2026 IN OS NO.943/2026 BY THE LEARNED VII ADDL. SENIOR CIVIL JUDGE AND JMFC MYSURU VIDE ANNX-A AND CONSEQUENTLY ALLOW THE APPLICATION FILED BY THE PETITIONER UNDER ORDER 39 RULE 4 (IA NO. 3) ANNX-B1.

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 limited grievance raised in the present petition is the non-consideration of the application filed under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908.

2. Learned counsel appearing for the petitioner submits that the Trial Court granted an *ex parte* temporary injunction. The petitioner filed objections along with an application under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908. However, without considering the said application, the Trial Court proceeded to extend the ex parte temporary injunction granted earlier.

3. Learned counsel appearing for respondent No. 1 submits that the application filed under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908, is under consideration by the Trial Court and, therefore, no interference is warranted.

4. Considered the submissions made by the counsel for the parties and perused the impugned order.

5. It would suffice to direct the Trial Court to consider and dispose of the pending application filed under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908, expeditiously and, in any event, within one month from the date of placing copy of this order before the trial Court.

6. With the above observations, the writ petition is ***disposed of***.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 1 Sl No.: 17