HC-KAR

NC: 2026:KHC:54950
WP No. 30952 of 2026

CNR: KAHC010681442026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 30952 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. CHANDANA MARY
   W/O. LATE THOMAS,
   AGED ABOUT 79 YEARS,
   RESIDING AT NO.33, CHURCH ROAD,
   KAMMANAHALLI, BENGALURU - 560 084.

2. SRI. BERTHALOMEO P.,
   S/O. LATE PHILOMENRAJ,
   AGED ABOUT 54 YEARS,
   RESIDING AT NO.272, 5TH MAIN,
   6TH CROSS, KAMMANAHALLI,
   ST. THOMAS TOWN POST,
   BENGALURU - 560 084.

...PETITIONERS

(BY SRI. AVINASH P., ADVOCATE)

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

AND:

1. SRI N. YELLAPPA
   S/O. NANJAPPA,
   AGED ABOUT 64 YEARS,
   RESIDING AT NO.37,
   KANAKADASA LAYOUT,
   3RD CROSS, LINGARAJAPURAM,
   ST. THOMAS TOWN,
   BENGALURU - 560 084.

…RESPONDENT

(V/O DATED 01.10.2026 NOTICE TO RESPONDENT IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO (I) QUASHING THE ORDER DATED 17.09.2026 PASSED BY THE LEARNED XXVIII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU, CCH-29), ON I.A. NO.1 IN O.S. NO.26002/2026, VIDE ANNEXURE-A, AS BEING ARBITRARY, ILLEGAL, CONTRARY TO LAW AND 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 impugning the order dated 17.09.2026, whereby the Trial Court granted an *ex parte* ad interim temporary injunction restraining the defendants therein, namely, the petitioners herein, from interfering with the plaintiff's possession and enjoyment of the suit property.

2. Learned counsel for the petitioners submits that the petitioners are in possession of the suit schedule property. It is contended that the respondent, under the guise of the interim order, is attempting to dispossess the petitioners.

2.1 It is further submitted that objections have been filed to the pending application before the Trial Court and that, on two occasions, a request was made to advance the matter for consideration of the said application. However, on account of the absence of learned counsel for the plaintiff, the application could not be considered for final adjudication.

3. In view of the limited nature of interference, notice to the respondents is dispensed with.

4. This Court, having regard to the facts and circumstances of the present case, is inclined to make limited interference by directing both parties to maintain status *quo* in respect of the suit schedule property until the pending I.A. No.1, filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure,1908, is adjudicated.

5. The Trial Court is requested to expedite the proceedings and dispose of the pending application within six weeks from the next date of hearing.

With the above observations, the writ petition stands ***disposed of***.

Sd/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 Sl No.: 60