HC-KAR

NC: 2026:KHC:61872
WP No. 31788 of 2026

CNR: KAHC010695152026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 31788 OF 2026 (GM-CPC)

BETWEEN:

1. RAVISHEKARAIAH M
S/O. LATE MALLAIAH
AGED ABOUT 62 YEARS
NO.152/5, SREE MATHA NILAYA
1ST MAIN, SMV LAYOUT, 5TH BLOCK,
ULLALA MAIN ROAD,
BENGALURU 560010.

…PETITIONER

(BY SRI. S SHAKER SHETTY, ADVOCATE)

AND:

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

1. THE ASSISTANT EXECUTIVE ENGINEER
NO.1, WEST DIVISION,
BANGALORE DEVELOPMENT AUTHORITY
2ND FLOOR, METRO PILLAR
NO.594, BENGALURU MYSORE ROAD
BENGALURU 560020.

2 THE SPECIAL LAND ACQUISITION OFFICER
BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD
BENGALURU 560020.

3 THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
T CHOWDAIAH ROAD
BENGALURU 560020.

...RESPONDENTS

(NOTICE TO RESPONDENTS IS DISPENSED WITH V/O DT. 05.11.2026)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 04.08.2026, PASSED ON I.A.NO.2, BY THE II ADDITIONAL CIVIL JUDGE, BENGALURU RURUAL DISTRICT, AT BENGALURU, IN O.S. NO.790/2026, PRODUCED AT ANNEXURE C, WHEREIN THE PRAYER OF AD INTERIM EX-PARTE INJUNCTION WAS NOT CONSIDERED AND CONSEQUENTLY GRANT AD INTERIM TEMPORARY INJUNCTION AS PRAYED FOR IN IA NO.1 AND FURTHER DIRECT TIME BOUND DISPOSAL OF THE APPLICATION ON MERITS, ACCORDING TO LAW.

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 04.08.2026 passed in O.S.No.790/2026, whereby notice has been ordered on I.A.No.2 filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908.

2. The learned counsel appearing for the petitioner submits that the suit has been instituted seeking the relief of declaration and injunction on the ground of alleged interference by the defendants. It is submitted that, in the said suit, an application under Order XXXIX Rules 1 and 2 of the CPC was filed seeking an *ex parte* order of injunction restraining the defendants. However, the Trial Court has ordered issuance of notice on the said application. It is further submitted that service of notice is complete; nevertheless, the Trial Court is adjourning the matter without considering I.A.No.2.

2.1 The learned counsel further submits that the respondents are taking advantage of the non-consideration of the pending application and are precipitating the matter. It is contended that, if the pending application is not considered expeditiously, the very purpose of filing the application would be defeated, thereby resulting in multiplicity of proceedings.

3. Considered the submissions made by the learned counsel for the petitioner.

4. In view of the limited direction that this Court is inclined to order, notice to respondents stands dispensed with.

5. It is evident from the order sheet that the suit is one for declaration and injunction. By order dated 04.08.2026, the Trial Court ordered issuance of notice on I.A.No.2 and directed that the matter be listed on 31.08.2026. It is submitted that, on 31.08.2026, the defendants appeared and sought time to file their objections. Consequently, the Trial Court adjourned the matter.

6. An application seeking an order of injunction is required to be considered expeditiously, having regard to the necessity of preserving the nature of the property during the pendency of the proceedings. If the Trial Court is not inclined to grant an *ex parte* order of injunction and, instead, orders issuance of notice, the application ought to be considered immediately upon completion of service of notice on the defendants. The non-consideration of such an application by the Court should not result in rendering the application *infructuous*.

7. In view of the above, the following order:

CNR: KAHC010695152026

O R D E R

I. Both parties are directed to maintain *status quo* in respect of the suit schedule property until consideration of I.A.No.2 filed under Order XXXIX Rules 1 and 2 of the CPC by the Trial Court.

II. The Trial Court is directed to expedite the hearing and dispose of I.A.No.2 within a period of two months from today.

III. The petitioner is directed to place a copy of this order before the Trial Court forthwith and, if necessary, seek advancement of the suit for compliance with the directions issued herein.

IV. The writ petition is ***disposed of*** accordingly.

Sd/-
(K. V. ARAVIND)
JUDGE

VP
List No.: 1 Sl No.: 19