HC-KAR

NC: 2026:KHC:60593
WP No. 33207 of 2026

CNR: KAHC010733082026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

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

WRIT PETITION NO. 33207 OF 2026 (GM-CPC)

BETWEEN:

1. SRI.PRABHAKARA
   S/O C GUTHEPPAM
   AGED ABOUT 63 YEARS,
   RETIRED GOVERNMENT EMPLOYEE,
   R/O 4TH CROSS,
   JOGIMATTI ROAD,
   CHITRADURGA-577501

...PETITIONER

(BY SRI. SAMEER S. N., ADVOCATE)

AND:

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

1. G.N.PRAKASH REDDY
   S/O NARASIMHA REDDY
   AGED ABOUT 74 YEARS,
   R/O TEACHERS COLONY, IUDP LAYOUT,
   CHITRADURGA-577501

2. C.G.NINGAPPA
   S/O GUTTEPPA,
   AGED ABOUT 78 YEARS,
   RETIRED HOSPITAL EMPLOYEE
   R/O 4TH CROSS,
   JOGIMATTI ROAD,
   CHITRADURGA-577501

3. NAGARATHNAMMA
W/O THIPPESWAMY,
AGED ABOUT 77 YEARS,
OCC RETIRED B.C.M EMPLOYEE,
R/O JOGIMATTI ROAD,
CHITRADURGA-577501.

4. G.SAVITHRAMMA
W/O B.N.SRIRAMAPPA,
AGED ABOUT 75 YEARS,
R/O CHINTHAMANI,
KOLAR DISTRICT-563125.

5. G.SULOCHANAMMA
W/O M.RAMAPPA
AGED ABOUT 70 YEARS
RETIRED RAILWAY EMPLOYEE,
R/O 4TH CROSS, JOGIMATTI ROAD,
CHITRADURGA-577501

6. G.C.MYLARAPPA
S/O C GUTHEPPA
AGED ABOUT 72 YEARS
AGRICULTURIST,
R/O NEAR PRIMARY SCHOOL,
DODDASIDDAVNAHALLI VILLAGE,
CHITRADURGA TALUK-577524

…RESPONDENTS

THIS W.P. IS FILED IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE HONBLE PRL. CIVIL JUDGE AT CHITRADURGA TO CONSIDER AND DISPOSE OF I A NO. II AS PER ANNX-B1 IN O S NO. 361/2026 WITHIN A TIME BOUND MANNER, PREFERABLY WITHIN 7 DAYS FROM THE DATE OF RECEIPT OF THIS ORDER BY CONSIDERING THE URGENCY IN THE MATTER.

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 prayer in the writ petition is for a direction to consider I.A. No. II filed under Order XXXIX Rules 1 and 2 of the CPC.

2. Learned counsel for the petitioner submits that the suit has been instituted seeking the relief of permanent injunction. In the said suit, an application under Order XXXIX Rules 1 and 2 of the CPC has been filed seeking to restrain the defendant from obstructing the use of the 'C' schedule property, as marked in the sketch annexed to the plaint.

2.1 It is submitted that the sole defendant has entered a caveat and that the caveator was awaiting service of the advance copy of the plaint. However, no appearance was made before the Court. The Trial Court, upon noticing the caveat filed by the sole defendant, issued emergent notice.

2.2 It is further submitted that the summons have been returned unserved, as the defendant is allegedly evading service. In view of the above, learned counsel seeks a direction

to the Trial Court for expeditious disposal of the interlocutory application.

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

4. Having regard to the limited prayer sought in the present petition, notice to respondents is not necessary accordingly, notice to respondents is dispensed with.

5. It is evident from the order sheet that the sole defendant has entered a caveat. Once a caveat is entered, service of a copy of the plaint and the accompanying applications on the counsel appearing for the caveator would suffice. The non-appearance of the caveator has resulted in the issuance of summons, which have remained unserved for more than two months.

6. It is further submitted that the sole defendant has now entered appearance. In the circumstances, this Court finds no impediment to the expeditious consideration of the pending application. Any further delay would defeat the very purpose of the application.

7. In view of the above, the following:

O R D E R

I. The writ petition is ***allowed***.

II. The Trial Court is directed to ***dispose of*** I.A. No. II filed under Order XXXIX Rules 1 and 2 of the CPC within four weeks from the date of this order.

III. It is submitted that, taking advantage of the non-grant of an ex parte temporary injunction, the defendant is causing obstruction to access to the suit property. In view of the same, both parties shall maintain *status quo* until the disposal of I.A. No. II, as directed hereinabove.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 2 Sl No.: 2