HC-KAR

NC: 2026:KHC:64992
WP No. 35097 of 2026

CNR: KAHC010770262026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 35097 OF 2026 (GM-CPC)

BETWEEN:

1. GURU MANE PRIVATE LIMITED
NO.245/17H, AMARVATHI FLY OVER,
OLD P.B. ROAD, HARIHARA - 577 601
DAVANGERE DISTRICT
(REGISTERED UNDER INCORPORATED
COMPANIES ACT)

SRI. VINAY M.V,
S/O. M.G. VAGEESHSWAMY
AGED ABOUT 32 YEARS,

2. SRI. M.G. VAGEESH SWAMY,
S/O. M.B. GURUSIDDA SWAMY,
AGED ABOUT 60 YEARS,

BOTH ARE RESIDENT OF NO.79,
MURUGHARAJENDRA KALYANA MANTAPA ROAD,
BASAVANAGUDI, HOSAPETE BEEDI,
HARIHARA - 577 601, DAVANAGERE DISTRICT.

...PETITIONERS

(BY SRI. V.B. SIDDARAMAIAH, ADVOCATE)

AND:

SRI. HOSAMANE RAJANNA
S/O. MALLESHAPPA,

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AGED ABOUT 56 YEARS
R/AT. NEAR MALLIKARJUNA TEMPLE,
OLD HOUSE OF GOWDRA MAHADEVAPPA AND
NEAR OLD HOUSE OF A.B.C BRICKS,
HALE AMARAVATHI VILLAGE,
HARIHARA - 577 601, DAVANAGERE

…RESPONDENT

(VIDE ORDER DATED 21.11.2026, NOTICE TO RESPONDENT IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE PRINCIPAL CIVIL JUDGE AND JMFC, HARIHARA, TO DISPOSE OF I.A. NO.II, FILED BY THE PETITIONERS, UNDER ORDER XXXIX RULES 1 AND 2 R/W. SECTION 151 OF CPC IN O.S. NO.168/2026, EXPEDITIOUSLY AND WITHIN A TIME FRAME TO BE STIPULATED BY THIS HON'BLE COURT, IN ACCORDANCE WITH LAW, VIDE, ANNEXURE - D.

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 this writ petition is for a direction to the Trial Court to consider I.A. No. 2, filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, expeditiously.

2. Learned counsel appearing for the petitioner submits that the petitioner instituted the suit seeking a decree of permanent injunction and filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, seeking to restrain the defendants from interfering with the petitioner's peaceful possession and enjoyment of the suit schedule property.

2.1 It is submitted that the Trial Court, by order dated 24.07.2026, granted an ex parte order of temporary injunction restraining the defendants from interfering with the petitioner's peaceful possession and enjoyment of the suit schedule property. Subsequently, upon the appearance of the defendants, the order of temporary injunction came to be modified by directing the parties to maintain status quo.

2.2 It is further submitted that the Trial Court thereafter heard the arguments on I.A. No. 2. However, orders have not been pronounced thereon since 20.08.2026. It is contended that the petitioner's proposed construction over the suit schedule property has been stalled on account of the subsisting order of status quo. In the circumstances, it is submitted that expeditious consideration of the application is warranted.

3. Heard the submissions of learned counsel appearing for the petitioner and perused the material on record.

4. Having regard to the limited nature of the relief sought in this petition, this Court is of the view that issuance of notice to the respondents is unnecessary. Accordingly, notice is dispensed with.

5. The suit is one for permanent injunction. The Trial Court, by order dated 24.07.2026, restrained the defendants from interfering with the petitioner's peaceful possession and enjoyment of the suit schedule property. The said order was subsequently modified by order dated 05.08.2026, directing both parties to maintain status quo.

6. Thereafter, the Trial Court heard the arguments on more than three occasions and posted I.A. No. 2 for orders on 17.08.2026. However, despite granting more than six adjournments thereafter, orders have not been pronounced.

7. An application seeking interim relief requires timely consideration, failing which the very purpose of seeking such relief, as well as the suit itself, may stand defeated. Once the

arguments on an application are heard, the parties cannot be left indefinitely governed by an interim arrangement without adjudication of their respective claims, particularly in the absence of any compelling reason warranting deferment of the pronouncement of orders.

8. In the absence of any justifiable reason for withholding the orders on I.A. No. 2, this Court is inclined to entertain the present petition.

9. Accordingly, the following order:

ORDER

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

II. The Trial Court is directed to pass orders on I.A. No. 2, filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, within an outer limit of one month from the date of receipt of a copy of this order.

III. It is submitted that the next date of hearing before the Trial Court is 28.11.2026. On the said date, the petitioner shall place a copy of this order before the Trial Court or file

a memo bringing the directions issued by this Court to its notice for compliance.

IV. No order as to Costs.

Sd/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 1 Sl No.: 8