HC-KAR

NC: 2026:KHC:65723
WP No. 35091 of 2026

CNR: KAHC010771132026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 35091 OF 2026 (GM-CPC)

BETWEEN:

1. SRI KAMAL
S/O. SRI. SUNDARAM NAIDU RAJAN,
AGED ABOUT 45 YEARS,
RESIDING AT NO. 403,
PEARL SYMPHONY 1,
PROFESSOR COLONY,
IAF ROAD, TAMBARAM EAST,
KANCHEEPURAM, TAMIL NADU 600 059.

`...PETITIONER

(BY SRI NITIN A M., ADVOCATE)

AND:

Digitally signed by VIJAYA P
Location: High Court of Karnataka

1. SRI KIRAN LAKKALAPUDI
S/O. SRI. SUBRAMANYA NAIDU L.,
AGED ABOUT 41 YEARS,
RESIDING AT NO. 168,
GROUND FLOOR, 2ND CROSS,
NEAR GANESHA TEMPLE,
G.B. PALYA, MUNIYAPPA LAYOUT,
BOMMANAHALLI, BENGALURU - 560 100.

...RESPONDENT

(NOTICE TO RESPONDENTS DISPENSED
WITH VIDE ORDER DATED 25.11.2026)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE LEARNED XVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-12) TO HEAR AND DISPOSE OF I.A. NO.1 FILED UNDER ORDER XXXIX RULES 1 AND 2 OF CPC DATED 09.06.2026 I.E., ANNEXURE-B AND IA. NO.3 FILED UNDER ORDER XXXIX RULE 4 OF CPC IN O.S. NO.4000/2026, I.E., ANNEXURE-G, TOGETHER, ON MERITS AND IN ACCORDANCE WITH LAW, WITHIN A PERIOD OF SEVEN DAYS FROM THE DATE OF RECEIPT OF A COPY OF THE ORDER OF THIS HON'BLE COURT, OR WITHIN SUCH OTHER TIME AS THIS HON'BLE COURT MAY DEEM FIT TO FIX.

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 with a limited prayer seeking a direction to the trial Court for expeditious disposal of I.A. No.1 filed under Order XXXIX Rules 1 and 2 of the CPC and I.A. No.3 filed under Order XXXIX Rule 4 of the CPC.

2. Learned counsel appearing for the petitioner submits that the suit is one for specific performance. An ex-parte order of temporary injunction was initially granted by the trial Court. Thereafter, on 25.09.2026, the petitioner filed objections to I.A.

No.1 along with an application under Order XXXIX Rule 4 of the CPC.

2.1 It is submitted that the trial Court, without considering the application filed under Order XXXIX Rule 4 of the CPC, is proceeding to extend the ex-parte order of temporary injunction.

3. Considered the submissions made by learned counsel for the petitioner and perused the material on record.

4. In view of the limited nature of the relief sought, this Court dispenses with issuance of notice to the respondents.

5. When an ex-parte order of injunction is granted and objections are filed to the application under Order XXXIX Rule 4 of the CPC seeking vacation of the said order, the application is required to be adjudicated within an outer limit of 30 days.

6. However, in the present case, the application has remained pending without adjudication even after the lapse of two months.

7. In the absence of any compelling reasons justifying the delay in adjudication of the said application, this Court is inclined to direct the trial Court to dispose of the pending applications expeditiously.

8. In that view of the matter, the following :

O R D E R

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

II. The trial Court is directed to adjudicate and ***dispose of*** I.A. No.1 filed under Order XXXIX Rules 1 and 2 of the CPC along with I.A. No.3 filed under Order XXXIX Rule 4 of the CPC, within an outer limit of 30 days from today.

III. The petitioner is at liberty to seek advancement of the date of hearing, if necessary, for the purpose of placing a copy of this order before the trial Court to ensure compliance.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS/List No.: 2 Sl No.: 14