HC-KAR

CNR: KAHC010773542026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 35290 OF 2026 (GM-CPC)

BETWEEN:

1. SRI C NAGARAJ,
   AGED ABOUT 65 YEARS.

2. SRI. SHABARISH N
   S/O SRI. C. NAGARAJ,
   AGED ABOUT 29 YEARS

3. SMT. GAGANA N
   D/O SRI. C. NAGARAJ,
   AGED ABOUT 27 YEARS.

   ALL ARE RESIDING AT NO.546,
   10TH CROSS, 9TH MAIN,
   BHUVANESHWARI NAGAR,
   KATHRIGUPPE 3RD PHASE,
   BSK 3RD STAGE,
   BENGALURU - 560085.

...PETITIONERS

(BY SRI PRAJWAL P., ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SRI RAJU @ RAJU M.,
   S/O LATE MARIYAPPA,
   AGED ABOUT 59 YEARS,
   R/AT NO.545, 10TH CROSS,
   9TH MAIN, BHUVANESHWARI NAGAR,
   KATHRIGUPPE 3RD PHASE,

BSK 3RD STAGE,
BENGALURU - 560085

…RESPONDENT

(VIDE ORDER DATED 19.11.2026

NOTICE TO RESPONDENT IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE LEARNED X ADDITIONAL CITY CIVIL JUDGE, BENGALURU (CCH- 26), TO TAKE UP, HEAR AND FINALLY DISPOSE OF I.A. NO.1 VIDE ANNEXURE-D FILED BY THE RESPONDENT/ PLAINTIFF UNDER ORDER XXXIX RULES 1 AND 2 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE IN O.S. NO. 2511/2026, WITHIN AN OUTER LIMIT OF THIRTY DAYS FROM 23.11.2026, WHILE CONSIDERING THE OBJECTIONS FILED BY THE PETITIONERS/DEFENDANTS, ON ITS OWN MERITS AND IN ACCORDANCE WITH 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 seeking a limited relief of expeditious consideration of I.A. No.1 filed under Order XXXIX Rules 1 and 2 of the CPC.

2. Learned counsel for the petitioners submits that the respondent instituted a suit in O.S. No.2511/2026 along with an application under Order XXXIX Rules 1 and 2 of the CPC. It

is submitted that the Trial Court, by order dated 09.04.2026, granted an ex-parte ad-interim temporary injunction.

2.1 It is further submitted that, upon service of notice, the petitioners filed their objections to the said application on 11.09.2026, seeking its dismissal. However, without adjudicating the application on merits, the Trial Court has been extending the interim order of temporary injunction, thereby causing irreparable hardship to the petitioners.

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

4. In view of the limited prayer sought, issuance of notice to the respondent is unnecessary. Accordingly, notice is dispensed with.

5. The Trial Court, in a suit for injunction, granted an ex-parte ad-interim temporary injunction on 09.04.2026. Thereafter, the defendants entered appearance and filed their written statement as well as objections to the application filed under Order XXXIX Rules 1 and 2 of the CPC. However,

consideration of the said application has been adjourned from July 2026 onwards.

6. It is a settled position of law that where an ex-parte ad-interim temporary injunction is granted and objections are filed to the application seeking its vacation, the same is required to be considered within 30 days.

7. This Court finds no justifiable reason for the continued non-consideration of the objections filed by the petitioners. In that view of the matter, the Trial Court is directed to consider the objections and dispose of the application filed under Order XXXIX Rules 1 and 2 of the CPC, within an outer limit of one month from today.

Accordingly, the petition stands ***disposed of***.

SD/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 2 Sl No.: 15