



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO. 2399 OF 2026 (GM-CPC)

BETWEEN:

SHANTHI FLORINE ALDRIN LOPEZ
AGED ABOUT 55 YEARS,
C/O ALDRIN LOPEZ,
BAIRAPPA LAYOUT,
NEAR FGAG CHURCH,
KANNUR,
BENGALURU KARNATAKA-562149
(ADDRESS IS MENTIONED AS PER AADHAAR)

...PETITIONER

(BY SRI. ARNAV A BAGALWADI., ADVOCATE)

AND:

1. MRS ROSE DELEEMA
W/O SUNIL JOBY,
R/AT NITHYA PRABHA,
NADUVILAKKARA,
ALUMMOODU, PO,
THRIKKOVILAM,
KOLLAM DISTRICT,
KERALA-691577





2. MR ALDRIN JOSEPH LOPEZ
S/O MR. JOSEPH LOPEZ,
R/AT NIXALD HOUSE,
ST. ANDREWS P.O.,
KAZHAKKOOTTAM,
MENAMKULAM,
THIRUVANANTHAPURAM,
KERALA-695586

...RESPONDENTS

(BY SRI.GEORGE PHILIP, ADVOCATE FOR R-1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS AND ISSUE APPROPRIATE WRIT OR ORDER OR DIRECTION TO SET ASIDE THE ORDER DATED 05-11-2025, IN O.S NO. 3172/2025, PASSED BY THE LEARNED CIVIL JUDGE AND JMFC, K.R.PURAM, BENGALURU RURAL, A COPY OF WHICH IS HEREIN PRODUCED AS ANNEXURE-A AS ILLEGAL AND VOID AND TO DIRECT LEARNED CIVIL JUDGE AND JMFC, KR PURAM, BENGALURU RURAL TO REJECT IA NO.1/2025 WHICH IS PRODUCED AS ANNEXURE-D.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the defendant No.1 in O.S.No.3172/2025, is directed against the impugned order dated 05.11.2025, passed by the learned Civil Judge and JMFC, Krishnarajapura, (hereinafter referred to as 'trial Court'), whereby the trial Court passed an ad interim *ex parte* order of temporary injunction in favour of respondent No.1/plaintiff against the petitioner/defendant No.1 and respondent No.2/defendant No.2 in the said suit filed by the plaintiff against the defendants.

2. Heard the learned counsels appearing for both parties and perused the material on record.

3. When the matter came up before this Court on 29.01.2026, the following interim order was passed:

"Heard.

Issue emergent notice to the respondents returnable by 26.02.2026.

In the meanwhile, parties are directed to maintain status-quo in all respects as on today, in relation to the suit schedule properties, till the next date of hearing.

Liberty is reserved in favour of the respondents to seek vacation / modification of this order.

Office objection regarding maintainability is kept open."



4. It is a matter of record and undisputed fact the suit is posted before the trial Court on 24.04.2026 and IA No.1 for temporary injunction filed by the respondent No.1/plaintiff against the defendants is pending consideration before the trial Court and has not been disposed of even till today.

5. Under these circumstances, I deem it just and appropriate to dispose of this petition by directing the suit to be preponed/advanced from 24.04.2026 to 04.03.2026 and by issuing certain directions in this regard.

6. In the result, the following:

ORDER

- i) Petition is hereby ***disposed of***.
- ii) The trial Court before whom O.S.No.3172/2025 is pending, is directed to prepone/advance the suit from 24.04.2026 to **04.03.2026**.
- iii) Liberty is reserved in favour of both sides to seek preponement/advancement of the suit from 24.04.2026 to 04.03.2026.
- iv) Upon preponement/advancement of the suit from 24.04.2026 to 04.03.2026, the petitioner is thereby directed to file written statement, objections, documents etc., in the suit on 04.03.2026 without seeking



adjournment under any circumstances whatsoever.

- v) Immediately upon advancement as stated supra, the trial Court shall consider and pass appropriate orders on IA No.1 for temporary injunction filed by the plaintiff on merits within a period of one month from 04.03.2026, without being influenced by the findings/observations, if any, in the present order.
- vi) It is further directed that, till disposal of IA.No.1 by the trial Court on merits, the interim order dated 29.01.2026, passed by this Court in the present petition, shall continue to remain in force and operate between the parties without prejudice to their rights or contentions.
- vii) All rival contentions and all aspects of the matter are kept open and no opinion is expressed on the merits/demerits of the rival contentions.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**