



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 25<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD**

**WRIT PETITION NO. 4365 OF 2026 (GM-CPC)**

**BETWEEN:**

S MURARI  
S/O T M SADANANDAM  
AGED ABOUT 75 YEARS  
R/AT NO. 3, ANAND HABITAT  
ARTILLERY ROAD, ULSOOR  
BENGALURU - 560 008.

...PETITIONER

(BY SRI. NAGARAJ R., ADVOCATE)

**AND:**

1. R SUNIL KUMAR  
S/O A RAJMAL  
AGED ABOUT 52 YEARS
2. R LALITH KUMAR  
S/O A RAJMAL  
AGED ABOUT 42 YEARS.
3. HARSHA JAIN  
W/O R LALITH KUMAR  
AGED ABOUT 40 YEARS  
ALL ARE RESIDING AT  
NO. 270, JAIN TEMPLE ROAD  
SHIVAJINAGAR, BENGALURU 560 051.

...RESPONDENTS

(BY SRI. JAYAPRAKASH SHETTY B., ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY APPROPRIATE WRIT SETTING ASIDE THE ORDER DATED: 04.02.2026 (ANNEXURE-

Digitally signed by  
DHANALAKSHMI  
MURTHY  
Location: HIGH  
COURT OF  
KARNATAKA



A) IN ADJOURNING THE MATTER TO THE EXTENT OF NOT GRANTING AD INTERIM ORDER ON THE IA NO.2 FILED BY THE PETITIONER UNDER ORDER 39 RULE 1 AND 2 READ WITH SECTION 151 OF CPC RESTRAINING THE DEFENDANTS OR ANYBODY CLAIMING UNDER THEM FROM CREATING 3<sup>RD</sup> PARTY INTEREST, PENDING BEFORE THE XIII ADDL. CITY CIVIL & SESSION JUDGE, MAYO HALL UNIT, CITY CIVIL COURTS (CCH-22) IN OS.NO.25128/2026. AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

**ORAL ORDER**

1. In this writ petition, the petitioner-plaintiff has called in question the order dated 04.02.2026 passed by the XIII Additional City Civil and Sessions Judge, Bengaluru (hereinafter referred to as 'Trial Court' for short), in O.S.No.25128/2026.
2. For the sake of convenience, the parties are referred to as per their rankings before the Trial Court in Original Suit.



3. The petitioner–plaintiff filed a suit in O.S. No.25128/2026 before the Trial Court seeking relief of declaration. Along with the plaint, the petitioner–plaintiff also filed I.A.No.1 under Order XXXIX Rules 1 and 2 of CPC, seeking an ex-parte order of temporary injunction restraining the defendants, their servants, agents, henchmen, or any other persons claiming under or through them, from alienating or creating any third-party interest or encumbrance of any kind, directly or indirectly, in respect of the suit schedule property, pending disposal of the suit.

The Trial Court, by impugned order dated 04.02.2026, issued emergent notice on I.A.No.1 and suit summons to the defendants and declined to grant an ex parte order of temporary injunction. Thereafter, for one reason or another, the matter was adjourned and no order has been passed on I.A.No.1. Being aggrieved, the petitioner is before this Court.



4. This Court, by order dated 10.02.2026, granted an interim order directing the parties not to alienate, encumber, dispose of, or create third-party rights over the suit schedule properties.

5. Since I.A.No.1 filed under Order XXXIX Rules 1 and 2 of CPC is pending before the Trial Court and even though notice was issued to the defendants by impugned order dated 04.02.2026, no order has been passed on the said application, this Court deems it appropriate to dispose of this writ petition with a direction to the Trial Court to consider and dispose of the said application as expeditiously as possible.

6. Accordingly, the following order is passed:

**ORDER**

- a) The writ petition is ***disposed of.***
- b) The Trial Court is directed to dispose of I.A.No.1 filed under Order XXXIX Rules 1 and 2 of CPC, in accordance with law, as expeditiously



as possible, and in any event, within a period of three months from the date of receipt of a certified copy of this order.

- c) Till consideration of I.A.No.1, the interim order granted by this Court on 10.02.2026 shall continue.

**Sd/-**  
**(H.T. NARENDRA PRASAD)**  
**JUDGE**