



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 8475 OF 2026 (GM-CPC)

BETWEEN:

SRI KRISHNA DUTTA
S/O LATE SRI. MADHUSUDAN D. KUSHE
AGED ABOUT 22 YEARS
R/AT KRISHNA KUNJ
KODIALBAIL CHURCH ROAD
MANGALURU - 575003.

...PETITIONER

(BY SRI. DALWAI VENKATESH., ADVOCATE)

AND:

SMT SAROJINI M KUSHE
W/O LATE SRI MADHUSUDAN D KUSHE
AGED ABOUT 88 YEARS
R/AT KRISHNA KUNJ
D.NO. 13-10-1270
P.V.S ROAD, KODIALBAIL
MANGALURU-575003.

...RESPONDENT

(BY SRI.MANMOHAN P N, ADVOCATE FOR C/RESPONDENT)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR
DIRECTION AND SET ASIDE THE COMMON JUDGMENT DATED
27.02.2026 PASSED BY THE HON'BLE PRINCIPAL SENIOR CIVIL





JUDGE AND CJM, MANGALURU IN M.A. 14/26 C/W M.A NO. 15/26 VIDE ANNEXURE-H AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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-defendant has sought for the following relief/s:

"a) Issue a Writ of Certiorari or any other appropriate Writ, Order or Direction and set aside the Common Judgment dated 27.02.2026 passed by the Hon'ble Principal Senior Civil Judge and CJM, Mangaluru in M.A. No.14/2026 c/w M.A. No.15/2026 Vide Annexure -H

b) Issue any other Writ, Order or Direction or grant any such other and further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice and equity."

2. For the sake of convenience, the parties are referred to as per their ranking before the I Additional Civil Judge



& JMFC, Mangaluru, D.K. (hereinafter referred to as 'Trial Court' for short) in Original Suit.

3. The plaintiff filed a suit in O.S.No.1894/2025 before the Trial Court seeking the reliefs of declaration and permanent injunction. Along with the suit, the plaintiff also filed I.A.No.II under Order XXXIX Rules 1 and 2 of CPC seeking a temporary injunction to restrain the defendant from executing any public or private documents or entering into any transactions whatsoever with any person claiming to be the biological or adopted son of the plaintiff and her deceased husband, during the pendency of the suit.

The Trial Court, by order dated 19.12.2025, granted an ex-parte order of temporary injunction. After service of summons, the defendant appeared through the counsel and filed a written statement. Thereafter, the defendant filed I.A.No.III under Order XXXIX Rule 4 read with Section 151 of CPC seeking vacation of the ex-parte temporary injunction order dated 19.12.2025.



The Trial Court, by a common order dated 19.01.2026, dismissed I.A.No.II filed by the plaintiff and allowed I.A.No.III filed by the defendant, thereby vacating the ex-parte temporary injunction order dated 19.12.2025. Aggrieved by the said order, the plaintiff filed miscellaneous appeals in M.A.Nos.14/2026 c/w 15/2026 challenging the order of the Trial Court before the Principal Senior Civil Judge and CJM, Mangaluru, D.K.(hereinafter referred to as 'First Appellate Court' for short).

The First Appellate Court, by the impugned common judgment dated 27.02.2026, allowed the appeals and set aside the order dated 19.01.2026 passed on I.A.Nos.II and III in O.S.No.1894/2025. Being aggrieved by the same, the petitioner-defendant has filed this writ petition.

4. Learned counsel for the petitioner-defendant submitted that the Trial Court, after considering the materials available on record, dismissed I.A. No.II filed by the plaintiff under Order XXXIX Rules 1 and 2 of CPC and



allowed I.A. No.III filed under Order XXXIX Rule 4 read with Section 151 of CPC. Being aggrieved by the same, the plaintiff-respondent filed appeals in M.A. Nos.14/2026 c/w 15/2026 before the First Appellate Court. The First Appellate Court allowed the said appeals and set aside the order passed by the Trial Court and consequently, allowed the application filed by the plaintiff under Order XXXIX Rules 1 and 2 of CPC.

Learned counsel for the petitioner further submitted that the discretionary power exercised by the Trial Court has been interfered with by the First Appellate Court without assigning proper reasons. He further submitted that the petitioner has produced all relevant documents before the Trial Court, and upon consideration of the same, the Trial Court had rightly dismissed the application filed by the plaintiff. He also submitted that the petitioner is a law student and is unable to pursue his studies without mentioning his father's name in the required academic records.



5. Learned counsel appearing for the respondent–plaintiff submitted that the suit has been filed on the ground that the petitioner–defendant is neither the biological nor the adopted son of the plaintiff. It is further contended that all the documents produced by the defendant are fabricated.

6. Be that as it may, it is not in dispute that the Trial Court, upon considering the material available on record, had dismissed the application filed by the plaintiff and vacated the ex-parte order of temporary injunction. The First Appellate Court, however, has interfered with the said discretionary order. At this stage, having perused the documents placed on record and without expressing any conclusive opinion on the merits of the rival claims, this Court is of the *prima-facie* view that a limited protection requires to be extended to the petitioner in order to avoid irreparable hardship, particularly in the context of his educational pursuits.



7. It is brought to the notice of this Court that the petitioner is a law student and is required to mention his father's name in academic and related records. In the absence of such permission, the petitioner would face practical difficulties in continuing his studies. Therefore, purely as an interim arrangement and without conferring any substantive right, the petitioner is permitted to use the name of Late Madhusudan D. Kushe as his father, strictly for educational and court-related purposes.

8. It is made clear that such permission is only tentative in nature and shall not be construed as recognition of any legal status or right in favour of the petitioner in any proceedings before any authority or Court. The same shall be subject to the final outcome of the suit.

9. Further, in order to ensure expeditious adjudication of the dispute, the Trial Court is directed to dispose of the suit on merits, in accordance with law, preferably on or before the end of the year 2026. The Trial Court shall



decide the matter independently, without being influenced by any observations made either in the impugned order or in this order.

10. The parties are directed to cooperate for early disposal of the suit.

11. With the above observations, this writ petition stands ***disposed of.***

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