



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 9353 OF 2026 (GM-CPC)

BETWEEN:

1. SRI M JAIKISHAN
S/O LATE MUKUNDARAJ
AGED ABOUT 58 YEARS
RESIDING AT NO.1245
SOUNDARYA 60 FT. MAIN ROAD
2ND BLOCK, BEL LAYOUT
VIDYARANYAPURA
BENGALURU-560 097.

...PETITIONER

(BY SRI. YAMINI MUNIRAJ, ADVOCATE)

AND:

1. SRI RUDOLPH FRANCIS PINTO
S/O SRI JOHN F. PINTO
AGED ABOUT 66 YEARS
2. SMT. VENITHA SYNTHIA PINTO
W/O RUDOLPH FRANCIS PINTO
AGED ABOUT 60 YEARS

BOTH ARE RESIDING AT
NO.5-4-270/1, KONDARAMAPURAM
BENGALURU-560018.

BOTH THE RESPONDENTS NO.1 AND 2 ARE
REPRESENTED HEREIN BY THEIR POWER
OF ATTORNEY HOLDERS.





3. SRI. SHASHIDHAR. N
AGED ABOUT 41 YEARS
S/O SRI. NAGARAJU.M
R/AT NO.3.34/A, 6TH BLOCK
RAJAJIANAGAR,
BENGALURU-560 010.
4. SMT. JAYALAKSHMI
W/O LATE K SHIVA
AGED ABOUT 55 YEARS
5. SRI MOHAN KUMAR D.S
W/O LATE K SHIVA
AGED ABOUT 35 YEARS
6. SRI RAVIKUMAR D.S.,
W/O LATE K. SHIVA
AGED ABOUT 23 YEARS

SL. NO.4 TO 6 ARE ALL RESIDING
AT NO.271, 18TH CROSS
MALLESHWARAM
BENGALURU 560003

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE COURT OF THE CITY CIVIL AND SESSIONS JUDGE, BENGALURU, TO CONSIDER AND DISPOSE OF I.A. NO.2 FILED BY THE PETITIONER UNDER ORDER XXXIX RULE 4 CPC IN O.S.NO.5321/2025, PRODUCED AS ANNEXURE-E, WITHIN A TIME FRAME OF ONE MONTH FROM THE DATE OF RECEIPT OF THE ORDER PASSED BY THIS HON'BLE COURT.

THIS PETITION, COMING ON FOR ORDERS 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 No.1 has sought the following reliefs:

- 1. Issue a writ in the nature of mandamus or any other appropriate writ, order or direction directing the Court of the City Civil and Sessions Judge, Bengaluru, to consider and dispose of I.A. No.2 filed by the Petitioner under Order XXXIX Rule 4 CPC in O.S. No. 5321/2025, produced as Annexure-E, within a time frame of one month from the date of receipt of the order passed by this Hon'ble Court.*
- 2. Grant such other order or relief as this Hon'ble Court deems fit in the interest of justice and equity.*

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. The plaintiffs filed a suit in O.S.No.5321/2025 before the Trial Court seeking relief of permanent injunction. Along with the suit, plaintiffs filed I.A.No.1 under Order XXXIX Rule 1 and 2 read with Section 151 of CPC. The Trial Court, by order dated 24.07.2025 has granted an



exparte order of temporary injunction. After issuance of suit summons, the defendant No.1 appeared and filed written statement. The defendant No.1 has filed I.A.No.2 application under Order XXXIX Rule 4 of CPC seeking for vacating the exparte order granted by the Trial Court. So far, no order has been passed on both the applications. Therefore, the present writ petition is filed seeking for early disposal of the said applications.

4. The learned counsel for the petitioner-defendant No.1 submits that the matter before the Trial Court is being repeatedly adjourned for one reason or another, and the interim order is being continuously extended. Till date, the said applications have not been disposed of. Hence, she seeks a direction to the Trial Court for an early disposal of the said applications.

5. Having regard to the facts and circumstances of the case, and without expressing any opinion on the merits of the matter, this Court deems it appropriate to dispose of



the writ petition with a direction to the Trial Court to dispose of the applications 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 by the plaintiff under Order XXXIX Rule 1 and 2 of CPC and I.A.No.2 filed by defendant No.1 under XXXIX Rule 4 of CPC, in accordance with law and as expeditiously as possible, not later than three months from the date of receipt of a certified copy of this order.
- c) Parties are directed to co-operate for early disposal of the applications.

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

DM
List No.: 1 Sl No.: 32