



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.18740 OF 2025 (GM-CPC)

BETWEEN:

M/S. ARCHISH FERTILITY SOLUTIONS
PRIVATE LIMITED
(COMPANY REGISTERED UNDER THE COMPANIES ACT,
2013)
HAVING ITS REGISTERED OFFICE AT
NO.128/9, MARUTHI SAPPHIRE,
HAL OLD AIRPORT ROAD,
NEAR GOLDEN ENCLAVE,
MURUGESH PALYA
BENGALURU-560017
REPRESENTED BY ITS DIRECTOR
MR. NAVIN DESAI.

...PETITIONER

(BY SMT. ARCHANA K.M., ADVOCATE)

AND:

DISHA MADAN
AGED ABOUT 33 YEARS
RESIDENT OF 604, 3RD STAGE,
1ST BLOCK, BASVESHWARANAGAR,
BENGALURU – 560079.

...RESPONDENT

(BY SRI. ASHWINKUMAR V.H., ADVOCATE FOR
SRI. CHANABASAPPA S.N., ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SET ASIDE ORDER DATED
02.04.2025 IN I.A.NO.1 PASSED IN O.S.NO.4140 OF 2023 BY THE
XLIII ADDI. CITY CIVIL AND SESSIONS JUDGE, BANGALORE (CCH-
44), BENGALURU, KARNATAKA VIDE ANNEXURE – A 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 S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

i. *Set aside Order dated 02.04.2025 in IA No.1 passed in O.S.No.4140 of 2023 by the XLIII Addl. City Civil and Sessions Judge, Bangalore (CCH-44), Bengaluru, Karnataka vide Annexure - A.*

ii. *Direct XLIII Addl. City Civil and Sessions Judge (CCH-44) to hear arguments of the Petitioner on IA No.1 in O.S.No.4140 of 2023 by the XLIII Addl. City Civil and Sessions Judge, Bangalore (CCH44) vide Annexure C and dispose the application on merits.*

iii. *Direct XLIII Addl. City Civil and Sessions Judge, Bangalore (CCH - 44) to allow the Petitioner to Cross Examine of PW1 in the interests of justice and equity.*

2. Heard learned counsel for the petitioner and learned counsel for the respondent and perused the material on record.

3. A perusal of the material on record will indicate that the respondent-plaintiff instituted the aforesaid suit against the petitioner-defendant for permanent injunction and other reliefs in



relation to the suit schedule immovable property. In the said suit, the Trial Court passed an *ad-interim ex-parte* order of temporary injunction on I.A.No.1 filed by the respondent-plaintiff against the petitioner-defendant, who entered appearance and filed written statement and objections to I.A.No.1 and is contesting the suit. After settlement of issues, the respondent examined herself as PW-1 and the matter was posted for cross-examination of PW-1, at which stage, the petitioner-defendant made a request to the Trial Court to consider and pass appropriate orders on I.A.No.1 filed by the respondent-plaintiff since the said application had not been disposed of even at the stage of cross-examination of PW-1. The said request made by the petitioner- defendant was declined by the trial Court, which took the cross-examination of PW1 as 'Nil' and posted the matter for further evidence of the respondent-plaintiff and as such, petitioner is before this Court by way of the present petition.

4. Learned counsel for the respondent submits that the impugned order taking the cross examination of PW-1 as 'Nil' and deferring consideration/hearing of I.A.No.1 may be set aside and the matter may be remitted back to the trial Court for reconsideration of



I.A.No.1, which is pending adjudication even as on today and by recalling PW-1 for further cross-examination by the petitioner - defendant after disposal of I.A.No.1 on merits and in accordance with law.

5. The aforesaid submission is placed on record.

6. Under the aforesaid facts and circumstances and submission made by learned counsel for the respondent, without prejudice to the rights and contentions of the parties, I deem it just and appropriate to dispose of the petition by issuing certain directions. In the result, I pass the following:

ORDER

i) The petition is hereby allowed.

ii) The impugned order dated 02.04.2025 in O.S.No.4140/2023 on the file of the XLIII Additional City Civil and Sessions Judge, Bengaluru, deferring consideration of I.A.No.1 filed by the respondent-plaintiff for temporary injunction is hereby set aside.

iii) So also, the impugned order taking cross examination of PW-1 as 'Nil' is hereby set aside.



iv) The trial Court is directed to consider and pass appropriate orders on I.A.No.1 filed by the respondent-plaintiff for temporary injunction within a period of one month from the date of receipt of a copy of this order.

v) Liberty is reserved in favour of the parties to seek preponement/advancement of the suit from 06.06.2026 to any earlier date to enable consideration and disposal of I.A.No.1 by the Trial Court.

vi) Immediately upon disposal of I.A.No.1 on merits by the Trial Court as stated supra, the respondent/plaintiff (PW1) shall be recalled and shall tender/present herself for cross examination by the petitioner-defendant, who shall cross examine PW-1 and proceed further in accordance with law.

vii) All rival contentions on all aspects of the matter are kept/left open and no opinion is expressed on merits/demerits of the rival contentions.

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