



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 29633 OF 2025 (GM-CPC)

BETWEEN:

1. SRI. NARASIMHAMURTHY,
S/O. LATE YELLANARASIAH,
AGE ABOUT 53 YEARS,
R/AT KAUTHAMARANAHALLI VILLAGE,
GULURU HOBLI, HARALURU POST,
TUMAKURU TALUK,
TUMAKURU DISTRICT-572104.
2. SMT. GANGANARASAMMA,
D/O. LATE YELLENARASIAH,
W/O. THIMMAIAH,
AGED ABOUT 66 YEARS,
R/AT KAUTHAMARANAHALLI VILLAGE,
GULURU HOBLI, HARALURUL POST
TUMAKURU TALUK,
TUMAKURU DISTRICT-572104.
3. SMT. LAKSHMAMMA,
D/O LATE YELLANARASIAH,
AGED ABOUT 57 YEARS,
R/AT KAUTHAMARANAHALLI VILLAGE,
GULURU HOBLI, HARALURU POST,,
TUMAKURU TALUK
TUMAKURU DISTRICT-572104.

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA

...PETITIONERS

(BY SRI. FAYAZ SAB B.G., ADVOCATE)



AND:

1. SRI. G.M.SIDDESHWARA PRASAD,
S/O. G.S.MAHALINGAPPA,
AGED ABOUT 55 YEARS,
R/AT GANGASANDRA LAYOUT,
TUMAKURU-572102.
2. SRI. NARAYANA RAO DASHARATHI,
S/O. LATE T.S.NARAYANA RAO,
AGED ABOUT 69 YEARS,
R/AT NO.1113, 2ND FLOOR,
2ND STAGE, 25TH MAIN ROAD,
J.P.NAGAR, 1ST PHASE,
BENGALURU SOUTH,
BENGALURU-560078.
3. SMT. JAYANTHI DASHARATHI,
W/O OF NARAYANA RAO DASHARATHI,
AGED ABOUT 60 YEARS,
R/AT NO.1113, 2ND FLOOR,
2ND STAGE, 25TH MAIN ROAD,
J.P.NAGAR, 1ST PHASE,
BENGALURU SOUTH,
BENGALURU-560078.
4. SMT. SHRUTHI DASHARATHI,
D/O. NARAYANA RAO DASHARATHI,
W/O. SRIHARSHA S.G.,
AGED ABOUT 40 YEARS,
R/AT NO.1113, 2ND FLOOR,
2ND STAGE, 25TH MAIN ROAD,
J.P.NAGAR, 1ST PHASE,
BENGALURU SOUTH,
BENGALURU-560078.
5. SRI. ASHWIN DASHARATHI
S/O. NARAYANA RAO DASHARATHI
AGED ABOUT 36 YEARS
R/AT NO.1113, 2ND FLOOR,
2ND STAGE, 25TH MAIN ROAD,



J.P.NAGAR, 1ST PHASE,
BENGALURU SOUTH,
BENGALURU-560078.

6. SMT. ARPITHA C.A.,
W/O ASHWIN DASHARATHI
AGED ABOUT 33 YEARS
R/AT NO.1113, 2ND FLOOR,
2ND STAGE, 25TH MAIN ROAD,
J.P.NAGAR, 1ST PHASE,
BENGALURU SOUTH,
BENGALURU-560078.
7. ASHRITH ASHWIN DASHARATHI
SON OF ASHWIN D.,
AGED ABOUT 7 YEARS
SINCE MINOR
REPRESENTED BY HIS
NATURAL GUARDIAN AND
FATHER SRI. ASHWIN D.,
R/AT NO.1113, 2ND FLOOR,
2ND STAGE, 25TH MAIN ROAD,
J.P.NAGAR, 1ST PHASE,
BENGALURU SOUTH,
BENGALURU-560078.

...RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF CERTIORARI TO SET-ASIDE/QUASH, AN IMPUGNED ORDER DATED 01.09.2025 PASSED ON I.A.NO.1 IN O.S.NO.886/2025, PENDING ON THE FILE OF II ADDL. SENIOR CIVIL JUDGE AND JMFC AT TUMAKURU, WHEREIN ORDERED TO ISSUE SUIT SUMMONS AND NOTICE ON 1.A.NO.1 FILED UNDER ORDER 39 RULE 1 AND 2 READ WITH SECTION 151 OF CODE OF CIVIL PROCEDURE TO THE RESPONDENTS INSTEAD OF ALLOWING THE SAID INTERLOCUTORY APPLICATION FOR GRANT OF EX-



PARTE AD INTERIM ORDER OF TEMPORARY INJUNCTION AS ILLEGAL, ARBITRARY, CAPRICIOUS AND PASSED WITHOUT APPLICATION OF JUDICIAL MIND, WHICH IS PRODUCED AND MARKED AS ANNEXURE-A AND ETC.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORDER

1. In this writ petition, the petitioners-plaintiffs have sought the following reliefs:

"i) TO, ISSUE A WRIT OF CERTIORARI TO SET-ASIDE/QUASH, an Impugned Order dated 01.09.2025 passed on I.A.No.1 in O.S.No.886/2025, pending on the file of II Addl.Senior Civil Judge and JMFC at Tumakuru, wherein Ordered to issue Suit Summons and Notice on I.A.No.1 filed under Order 39 Rule 1 & 2 read with Section 151 of Code of Civil Procedure to the Respondents instead of allowing the said Interlocutory Application for grant of ex-parte Ad Interim Order of Temporary Injunction as illegal, arbitrary, capricious and passed without application of judicial mind, which is produced and marked as ANNEXURE-'A'.

ii) TO, GRANT, any Writ, Orders or relief's as deems fit by this Hon'ble Court under the facts and



circumstances of the above 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 II Additional Senior Civil Judge, Tumakuru (hereinafter referred to as 'Trial Court' for short) in Original Suit.

3. The plaintiffs filed a suit in O.S.No.886/2025 before the Trial Court seeking relief of declaration. Along with the plaint, the petitioners-plaintiffs also filed I.A.No.I under Order XXXIX Rules 1 and 2 of CPC seeking an ex-parte order of temporary injunction restraining the defendants, their agents, representatives, assignees, or anybody claiming through or under them from alienating, creating charge/encumbrances or developing the suit schedule property pending disposal of the suit. The Trial Court by order dated 01.09.2025 has issued suit summons and notice on I.A.No.I to the defendants and refused to grant an ex-parte order of temporary injunction. Thereafter, for one reason or the another, the matter was adjourned and



no order has been passed on I.A.No.I. Therefore, the present writ petition is filed seeking for early disposal of the said application.

4. Since I.A.No.I filed under Order XXXIX Rules 1 and 2 of the CPC is pending and the Trial Court, by order dated 01.09.2025, has issued notice to the defendants and thereafter no order has been passed on the said application, this Court deems it appropriate to dispose of the writ petition with a direction to the Trial Court to consider and dispose of the said application as expeditiously as possible.

5. 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.I filed under Order XXXIX Rules 1 and 2 of CPC, in accordance with law and as expeditiously as possible, on or before 30.04.2026.



- c) Parties are directed to co-operate for early disposal of the application.

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

HA
List No.: 1 Sl No.: 6