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IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 20TH DAY OF AUGUST, 2025 BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA WRIT PETITION NO. 9963 OF 2025 (GM-CPC)

BETWEEN:

- 1. MRS. PREMA ARUN KUMAR
 W/O ARUN KUMAR NAYAK K.S
 AGED ABOUT 51 YEARS,
 R/AT NO.12/6, 5TH 'D' MAIN,
 2ND BLOCK, HRBR LAYOUT,
 KALYAN NAGAR,
 BENGALURU-560 043.
- 2. MR. ARUN KUMAR NAYAK K S S/O LATE SRINIVAS NAYAK, AGED ABOUT 58 YEARS, R/AT NO.12/6, 5TH 'D' MAIN, 2ND BLOCK, HRBR LAYOUT, KALYAN NAGAR, BENGALURU-560 043.



3. MRS. SUJAYA JAGADEESH SHETTY
W/O JAGADEESH S. SHETTY,
AGED ABOUT 58 YEARS,
R/AT NO.80, 'NETHRALAYA'
2ND 'I' CROSS, RAMAIAH LAYOUT,
HRBR LAYOUT, 3RD BLOCK,
KAMMANAHALLI MAIN ROAD,
KALYAN NAGAR, BENGALURU-560 084.

...PETITIONERS

(BY SRI. Y. RAJENDRA PRASAD SHETTY, ADVOCATE)

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AND:

- 1. MR. SIDDALINGAPPA S/O LATE NANJUNDAPPA, AGED ABOUT 72 YEARS, R/AT YERAPPANAHALLI VILLAGE, BIDARAHALLI HOBLI, BENGALURU EAST TALUK-560 077.
- 2. MR. NAVEENKUMAR
 S/O MALOORAPPA,
 AGED IN MAJOR,
 R/AT YERAPPANAHALLI VILLAGE,
 BIDARAHALLI HOBLI,
 BENGALURU EAST TALUK-560 077.
- 3. MR. MANJU
 S/O N. MARAPPA,
 AGED IN MAJOR,
 R/AT YERAPPANAHALLI VILLAGE,
 BIDARAHALLI HOBLI,
 BENGALURU EAST TALUK-560 077.

...RESPONDENTS

(BY SRI. HEMANTH KUMAR D., ADVOCATE FOR R1 TO R3)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT OUASHING THE ORDER DATED 25.03.2025 IN SO FAR AS NON GRANTING EXPARTE AD-INTERIM TEMPORARY INJUNCTION ON IA NO.I FILED BY PETITIONERS UNDER ORDER XXXIX RULE 1 AND 2 READ WITH SECTION 151 OF CPC DURING THE PENDENCY OF THE SUIT FILED IN OS NO.470/2025 BY THE HON'BLE I ADDITIONAL CIVIL JUDGE, JUNIOR DIVISION AT BENGALURU RURAL DISTRICT, BENGALURU CONSEQUENTLY THIS HON'BLE COURT MAY BE PLEASED TO GRANT EXPARTE TEMPORARY INJUNCTION AGAINST THE RESPONDENTS ON IA NO. I FILED UNDER ORDER XXXIX RULE 1 AND 2 READ WITH SECTION 151 OF CPC BY THIS HONBLE COURT IN O.S NO.470/2025 ON THE FILE OF HON'BLE I ADDITIONAL CIVIL JUDGE, JUNIOR DIVISION AT BENGALURU RURAL DISTRICT, BENGALURU TILL DISPOSAL OF IA NO.1 ANNEXURE-A.

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THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

The petitioners – plaintiffs are before this Court calling in question an order dated 25.03.2025, passed by the I Additional Civil Judge, Junior Division, Bengaluru Rural District, Bengaluru, whereby, an application – I.A.No.1 filed by the plaintiffs under Order XXXIX Rules 1 and 2 r/w Section 151 of the CPC, seeking temporary injunction, in O.S.No.470/2025, is not entertained and only notice is issued.

- 2. Heard Sri Y. Rajendra Prasad Shetty, learned counsel for petitioners and Sri Hemanth Kumar D., learned counsel for respondent Nos.1 to 3.
- 3. In order to protect the interest of the petitioners plaintiffs, a coordinate bench of this Court had granted temporary injunction that was sought before the concerned Court in terms of the order dated 03.04.2025. The respondents have now entered appearance and project that on the strength of the interim order or misusing the interim order

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so granted by this Court, construction is being put up encroaching upon the property of the respondents - defendants.

4. Since the application – I.A.No.1 is still pending before the concerned Court filed under Order XXXIX Rules 1 and 2 r/w. Section 151 of the CPC, with slight tweaking of the interim order subsisting in the subject petition, I deem it appropriate to pass the following:

ORDER

- a. The writ petition is disposed.
- b. The concerned Court shall take up the matter suit in O.S.No.1091/2025 (old No.470/2025) on 29.08.2025 and consider the application – I.A.No.1 after hearing both the parties and pass necessary orders in accordance with law, within an outer limit of four weeks therefrom.
- c. As the petitioners plaintiffs and the respondents defendants are represented by their respective learned counsel, no separate notice need be issued and they

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shall appear before the concerned Court on **29.08.2025**.

- d. The parties to the *lis* shall not interfere with each others properties, till the consideration of the application I.A.No.1 by the concerned Court.
- e. All contentions urged before this Court are left open, to be urged by the parties before the concerned Court.

Ordered accordingly.

Sd/-(M.NAGAPRASANNA) JUDGE

NVJ

List No.: 1 SI No.: 66