



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

MISCELLANEOUS FIRST APPEAL NO.9328 OF 2025 (CPC)

BETWEEN:

RATHNAMMA
D/O KEMPANNA
W/O VENKATESH
AGED ABOUT 45 YEARS
SITE NO.68/3, FORMED IN MARUTHI NAGAR
2ND DIVISION, 3RD BLOCK
OLD CMC KHATA NO.1158/68/3
NEW BBMP KHATA NO.1158/68/3
YELAHANKA CITY MUNICIPAL COUNCIL
YELAHANKA HOBLI
BENGALURU NORTH TALUK
BENGALURU-560 064.

...APPELLANT

(BY SRI. PRASHANTH P.N., ADVOCATE)

AND:

1. M/S. CANFIN HOMES LTD.
INCORPORATED UNDER COMPANIES ACT
REPRESENTED BY ITS AUTHORISED OFFICER
HAVING ITS HEAD OFFICE AT NO.29/1
M.N. KRISHNA RAO ROAD,
BASAVANAGUDI
BENGALURU-560 004
HAVING ITS BRANCH OFFICE AT NO.116/3,
1ST FLOOR, 7TH CROSS,
20TH MAIN, 60FT. MAIN ROAD
SAHAKARA NAGAR,
BENGALURU-560 092.





2. JAYAPRAKASH
S/O RANGAYYA
AGED ABOUT 52 YEARS
R/AT NO.4, 4TH FLOOR
SNOW WHITE APARTMENT
6TH CROSS, TELECOM LAYOUT
HOSAHALLI MAIN,
VIJAYANAGARA
BENGALURU-560 040.

...RESPONDENTS

(BY SRI. LAKSHMAN K., ADVOCATE FOR
SRI. D.NARAYANASWAMY, ADVOCATE FOR R1)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER
ORDER XVIII RULE 1(r) OF THE CODE OF CIVIL PROCEDURE,
1908.

THIS MISCELLANEOUS FIRST APPEAL IS LISTED FOR
ORDERS, THIS DAY, THE JUDGMENT IS DELIVERED AS UNDER:

ORAL JUDGMENT

Sri.Prashanth P.N., counsel for the appellant and
Sri.D.Narayana Swamy, counsel for respondent No.1 appeared
in person.

2. Though the appeal is listed for orders regarding
awaiting service of notice to respondent No.2, this Court has
passed the order on the merits of the case.



3. The petitioner has prayed for the following reliefs:

(a) Call for records in O.S.No.2179/2025 on the file of Hon'ble III Addl. Senior Civil Judge, Bengaluru Rural.

(b) Set aside the impugned order dated 18.11.2025 passed by the III Addl. Senior Civil Judge, Bengaluru Rural on I.A.No.1 filed under Order 39 Rule 1 and 2 of the Code of Civil Procedure filed in O.S.No.2179/2025 as capricious, whimsical and for not being in consonance with the settled position of law on over the grant of ad-interim ex-parte order/s.

(c) Pass such other Order/s, Direction/s, Relief/s as this Hon'ble Court deems fit and proper and necessary in the interest of justice and equity.

4. The appellant is the plaintiff before the Trial Court and has filed a suit seeking certain reliefs. She also filed an application under Order XXXIX Rules 1 and 2 read with Section 151 of CPC seeking an ad-interim order of injunction against the defendants.

5. The Trial Court vide Order dated 18.11.2025 has issued notice on I.A.No.1 and suit summons to the defendants.



The appellant has hurriedly approached this Court by filing an appeal. The matter is still in the hands of the Trial Court to consider the *prima facie* case for grant or refusal of injunction. Hence, this Court declines to entertain the appeal.

6. Accordingly, appeal is ***rejected***. In view of rejection of the appeal, there is no need to await service of notice to respondent No.2.

SD/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 13