



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 5528 OF 2026 (GM-CPC)

BETWEEN:

SMT.VIJAYALAKSHMI K N
W/O NARAYANA M C
AGED ABOUT 42 YEARS
R/AT. NO.38/2
MADANAYAKANHALLI VILLAGE
MADAVARA POST, TUMKUR ROAD
DASANAPURA HOBLI
BANGALORE.

...PETITIONER

(BY SRI. LAKSHMIKANTH K., ADVOCATE)

AND:

1. SMT. HONNAMMA
W/O LATE SIDDAPPA
AGED ABOUT 77 YEARS
2. MR. VASU S
W/O LATE SIDDAPPA
AGED ABOUT 55 YEARS

BOTH ARE RESIDING AT
KODIPALYA VILLAGE
NEAR GOVERNMENT SCHOOL
CHUDENAPURA POST
KENGARI, BANGALORE 560 060.

...RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER
DATED 29.10.2025 PASSED ON IA NO.1 AND 2 IN O.S.NO.
2004/2025, BY THE PRL. SENIOR CIVIL JUDGE, BENGALURU





RURAL DISTRICT AT BENGALURU AT ANNEXURE-E,
CONSEQUENTLY, ALLOW THE IA NO.1 AND 2 FILED BY THE
PLAINTIFF/PETITIONER HEREIN AS PRAYED FOR ANE ETC.,

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 has called in question the order dated 29.10.2025 passed by the Prl. Senior Civil Judge, Bangalore Rural District, Bangalore, on I.A.Nos.1 and 2 filed under Order XXXIX Rule 1 and 2 of CPC, in O.S.No.2004/2025, whereby the Trial Court has refused to grant an exparte order of temporary injunction to the petitioner-plaintiff.

2. In similar matter in W.P.No.13888/2022 disposed of on 22.01.2026, this Court following various judgments of the Hon'ble Supreme Court has held that the writ petition challenging the order of the Trial Court refusing to grant an exparte order of temporary injunction on an application filed under Order XXXIX Rule 1 and 2 of CPC, is not



maintainable and the petitioner has to file an appeal under Order 43 Rule 1(r) of CPC.

3. In view of the above, the writ petition is disposed of granting liberty to the petitioner to take appropriate steps in accordance with the law.

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

DM
List No.: 1 SI No.: 107