



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 18<sup>TH</sup> DAY OF DECEMBER, 2023**

**BEFORE**

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

**MISCELLANEOUS FIRST APPEAL NO. 8396 OF 2023 (CPC)**

**BETWEEN:**

1. SRI KIRAN KUMAR K  
S/O KRISHNAPPA  
AGED ABOUT 32 YEARS
2. SMT LIKITHA R  
W/O KIRAN KUMAR  
AGED ABOUT 23 YEARS  
BOTH ARE R/AT NO.46/2  
2ND MAIN ROAD, 3RD CROSS  
CHAMARAJPET, VITTAL NAGAR  
BENGALURU-560018.

...APPELLANTS

(BY SRI. TEJAS N.,ADVOCATE)

**AND:**

1. SRI VENKATESH M  
S/O MANI  
AGED ABOUT 38 YEARS  
R/A NO.57, 3RD MAIN  
KASTURIBANAGAR  
MYSORE ROAD  
BENGALURU-560026.
2. BRUHATH BENGALURU  
MAHANAGARA PALIKE  
CORPORATION BUILDING  
CORPORATION CIRCLE  
(HUDSON CIRCLE)  
BENGALURU-560001





REPRESENTED BY ITS  
COMMISSIONER

...RESPONDENTS

THIS MFA IS FILED UNDER ORDER 43 RULE 1(r) R/W SECTION 151 OF CPC, AGAINST THE ORDER DATED:21.09.2023 PASSED ON I.A.NO.3 IN OS.NO.6081/2023 ON THE FILE OF THE PRL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU, ISSUING AD INTERIM EXPARTE TEMPORARY INJUNCTION AGAINST THE DEFENDANTS NO.2 AND 3 AS PRAYED IN I.A.NO.3 TILL NEXT DATE OF HEARING AND ISSUING SUIT SUMMONS EMERGENT NOTICE OF I.A.NO.3 TO DEFENDANTS NO.2 AND 3 AND ISSUE SUMMONS TO THE D1.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

### **JUDGMENT**

This appeal is filed by defendants under Order 43 Rule 1(r) of CPC, challenging the order dated 21.09.2023 passed by the XXV Additional City Civil and Sessions Judge, Bengaluru, whereby ex-parte temporary injunction order has been passed in O.S.No.6081/2023. After the appearance of the defendants, they have filed an application for vacating the ex-parte temporary injunction order, under Order 39 Rule 4 of CPC. So far, no order has been passed on the said application.



2. Under these circumstances, the only relief that can be granted is to direct the trial court to dispose of the suit expeditiously.

3. Accordingly, I pass the following order:

(i) The appeal is disposed of.

(ii) The trial court is directed to *\*dispose of* the application filed by defendant Nos. 2 and 3 under Order 39 Rule 4 of CPC, in accordance with law, on the next date of hearing.

(iii) All pending applications stand disposed of.

**Sd/-  
JUDGE**

CM  
List No.: 1 Sl No.: 77

*\* Corrected vide Court order dated: 02.02.2024*