



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

**DATED THIS THE 17<sup>TH</sup> DAY OF NOVEMBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR**

**WRIT PETITION NO. 33725 OF 2025 (GM-CPC)**

**R**

**BETWEEN:**

KARNATAKA STATE CIRCKET ASSOCIATION  
AN ASSOCIATION REGISTERED UNDER THE  
KARNATAKA SOCIETIES REGISTRATION ACT 1960  
NO.1 M CHINNSWAMY STADIUM  
CUBBON ROAD SHIVAJI NAGARA  
BANGALORE 560001  
REPRESENTED BY ITS CEO  
SECRETARY@KSCA.CO.IN  
CEO@KSCA.CO.IN

...PETITIONER

(BY SRI. UDAYA HOLLA, SR.ADVOCATE AND  
SRI. C.K.NANDAKUMAR, SR.ADVOCATE A/W  
SRI. SURAJ SAMPATH., ADVOCATE)

**AND:**

MR SHASHIDHARA A V  
S/O LATE A P VAIKUNTA KARANTH  
AGED MAJOR  
NO.69 KAVERI NILAYA  
GANDHI BAZAR MAIN ROAD  
BANGALORE 560004  
AVSK.1959@GMAIL.COM  
9448067575

...RESPONDENT

(BY SRI. KARAN GUPTA, ADVOCATE FOR C/R)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE  
CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE  
IMPUGNED ORDER DTD. 05.11.2025 (ANNX-A) PASSED BY THE  
HONBLE XIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT





BANGALORE CITY (CCH-28) IN O.S.NO. 7680/2025 ALLOWING I.A.NOS. 2 AND 3 FILED BY THE PETITIONERS.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

**ORAL ORDER**

Heard learned senior counsel Udaya Holla on behalf of learned counsel Sri.Suraj Sampath and learned counsel Sri.C.K.Nandakumar, on behalf of the petitioners and learned counsel Sri.Karan Gupta for the Caveator/ respondent.

2. This petition is filed by the petitioner/defendant in the original suit OS No.7680/2025, being aggrieved by the orders passed on IA Nos. 2 and 3 whereby the learned trial judge has granted an ad-interim order of temporary injunction against the petitioner/defendant and in favour of the respondent/plaintiff.

3. The parties shall be referred to as per their status before the trial Court as plaintiff and defendant, for the sake of brevity.



4. Brief facts of the case are as under:

Plaintiff filed a suit against the defendant for the following reliefs.

*a) Declare that the constitution of the Legal Advisory Committee at time of holding the Fifth LAC meeting dated 26.09.2025 and Sixth LAC meeting dated 13.10.2025 is improper and in violation of Bye-Laws of the Defendant Association.*

*b) Declare that the legal opinion in the Fifth LAC meeting dated 26.09.2025 is non-est;*

*c) Declare that the legal opinion in the Sixth LAC meeting dated 13.10.2025 is non-est;*

*d) Declare that the WhatsApp notice/release dated 28.10.2025 is non-est;*

*e) Pass an order permanently injunctioning the Defendant through any of its personnel, including but not limited to any persons appointed by it, its Office Bearers and Managing Committee members, or any other committees or Sub-Committees of the Defendant from further discussing and/circulating and/ relying in any manner whatsoever, the minutes of the Fifth LAC meeting dated 26.09.2025, Sixth LAC meeting dated 13.10.2025, the WhatsApp notice/release dated 28.10.2025, or their contents, and any other material regarding the 9-year rule or its interpretation as endorsed by the improperly constituted by the LAC, in any meeting, before or in any committee of the Defendant, forum, authority, officer/officer/body/organization;*



*f) Pass an order permanently injunctioning the Defendant through any of its personnel, including but not limited to any persons appointed by it, its Office Bearers and Managing Committee members, or any other committees or Sub-committees of the Defendant from taking further actions which jeopardise a free and fair election, including but not limited to publishing the minutes of the Fifth LAC meeting dated 26.09.2025, Sixth LAC meeting dated 13.10.2025 and the WhatsApp notice/release dated 28.10.2025 or their contents in the AGM book and /in any notice and/circular and/electronic media;*

*8) Pass an order permanently injunctioning the Defendant through any of its personnel, including but not limited to Office Bearers and Managing Committee members, or any other committees of the Defendant from taking further actions that jeopardise a free and fair election, including but not limited to placing the minutes of the Fifth LAC meeting dated 26.09.2025, Sixth LAC meeting dated 13.10.2025 and the WhatsApp notice/release dated 28.10.2025 or their contents before any personnel appointed by the Defendant to conduct the elections, including but not limited to the Electoral Officer and / persons acting for or under him; and*

*h) Pass any other order(s), direction(s), or reliefs as deemed fit in the interest of justice and equity.*

5. Along with the plaint, the plaintiff filed three applications. Two of them are filed under Order XXXIX Rule No. 1 and 2 read with Section 151 of CPC, seeking an ad-interim order of temporary injunction along with an affidavit sworn to by the plaintiff.



6. The trial Court, upon hearing the learned counsel for the plaintiff, passed an ad- interim order of temporary injunction in favour of the plaintiff by restraining the defendant from giving effect to the fifth legal advisory committee meeting and sixth legal advisory committee meeting and also restrained the defendant association from proceeding as per release dated 28.10.2025, until the next date of hearing by its impugned order dated 05.11.2025. It is this ad-interim order of temporary injunction that is questioned by the petitioner/defendant before this Court under Article 227 of the Constitution of India.

7. It is the vehement contention of Senior Counsel Sri.Udaya Holla appearing on behalf of the defendant that the impugned order passed by the trial Court is not maintainable either on facts or in law, and the same is liable to be dismissed. It is his vehement contention that the impugned order which is passed by the trial Court without issuance of notice to the defendant, has far-reaching consequences, despite having not been supported by any



cogent reasons whatsoever. He also contends that the principles of natural justice and the provisions of Order XXXIX Rule 3 and the proviso have not been followed by the learned trial Court Judge while passing the ad-interim order of temporary injunction against the defendant. He contends that the defendant has been denied the benefit of access to the rationale behind granting such an ad-interim ex-parte order without providing an opportunity of hearing. While passing such an ad-interim order, it is seen from the impugned order that there is no reasoning or consideration with regard to why such an order is passed, by dispensing notice and what is the urgency and the consequences of delay in issuance of notice that would infringe the rights or cause damage or harm to the plaintiff. He further contends the impugned order passed by the trial Court is arbitrary and oppressive and would ultimately have an adverse impact on the thousands of its members and competitors as well as staff depending upon the defendant for their career and livelihood. This fact has been completely ignored by the



trial Court which has lost sight of the very purpose of the provision that was introduced in the 1977 Amendment to the CPC.

8. Learned Senior Counsel further contends that the trial Court has acted in excess of its jurisdiction and has no power and authority to sit over the decision of the managing committee of a registered society, which is taken in the collective wisdom of its managing committee. Several other contentions are raised by the learned senior counsel as to how the suit is not maintainable.

9. It is also vehemently contended by the learned Senior Counsel that the plaintiff has misled the learned trial judge into thinking that the Civil Appeal No. 4235/2014 is still sub judice before the Hon'ble Supreme Court of India, though it was disposed of way back on 14.09.2022. It is also contended that the plaintiff has suppressed the fact that interim order dated 20.09.2019 from the Hon'ble Supreme Court of India in Civil Appeal No. 4235/2014 is of no consequence pursuant to the ultimate dismissal of the



interlocutory applications. Vide order dated 09.12.2020 in the same matter and subsequent passing of the final judgment dated 14.09.2022 and thereby the interim order of 20.09.2019 stands merged by virtue of the final judgment.

10. It is also vehemently contended by learned senior counsel that the principles of natural justice was not followed by the learned trial judge while passing the interim order as the plaintiff has suppressed, by playing fraud on the court, the vital material facts that go to the root of the matter. Therefore, he also contends that in view of such arbitrary orders and illegal orders passed, this Court has the jurisdiction to deal with the present petition under Article 227 of the Constitution of India. The Senior Counsel vehemently contends that the trial Court has passed the impugned order relying upon the case in WP.No.10176/2020 being sub judice before this Court.

11. The learned Senior Counsel also contends that WP.No.10176/2020 is subsequently disposed of before this



Court pursuant to the impugned order passed by the trial Court with a direction to hold the elections. However, this aspect of the matter with regard to WP.No.10176/2020 being sub judice is one of the reasons for the trial Court to pass an ad-interim order of temporary intention along with few other grounds. The learned Senior Counsel further contends that the very essence of invoking the proviso to Order XXXIX Rule 3 is for the Court to see extraordinary exceptional circumstances for grant of an ad-interim order; otherwise, the normal rule would be to issue notice before passing any order and decide the application in a time bound manner as contemplated in the provision as also held by several catena of judgments by the Hon'ble Apex Court and this Court. The same has not been followed and considered.

12. On a bare perusal of the impugned order, he contends that the trial Court has not even made a whisper with regard to why the notice is not being sent to the defendant prior to issuance of the ad-interim ex-parte



temporary injunction and no urgency is expressed in the impugned order of the trial Court. It is also not stated as to what would be the consequences of delay if notice is issued and the defendants are heard.

13. Learned Senior counsel relies upon a judgment in the case of a co-ordinate bench of this Court in the case of ***Vedant Fashions Pvt. Ltd., V/s Smt. Rajul Devi*** reported in ***2014 SCC OnLine Kar 7191*** in support of his case. Therefore, he contends that the impugned order is liable to be set aside as it is illegal, arbitrary and without any proper reasoning and contrary to the provisions under Order XXXIX Rule 3 read with Section 151 of CPC, so also contrary to the judgment laid down by the Co-ordinate Bench of this Court in the Judgment stated herein supra and also to the Judgment of the Hon'ble Apex Court.

14. Per contra, learned counsel Sri.Karan Gupta, appearing for the respondent/plaintiff, vehemently contends that there is no illegality or perversity in the impugned order passed by the trial Court and he sustains the



impugned order by contending that the trial Court, based on the materials and the submissions made by the learned counsel and also in the pleadings of the plaint and the affidavit annexed to the application, has granted the impugned order in view of the urgency expressed by the plaintiff and no doubt the trial Court may not have spelled out the proper reasoning for granting an ad-interim ex parte temporary injunction. However considering the fact that certain materials were placed before the Court with regard to the illegality in the fifth legal advisory committee and the sixth legal advisory committee meeting has proceeded to pass the impugned order. So also on the basis of the matter being sub judice before this Court in WP No.10176/2020 and before the Hon'ble Apex Court on the IA No. 94179/2019 and also Civil Appeal No. 4235/2014. The trial Court felt it necessary to grant an ad-interim order without issuance of notice in view of the urgency expressed by the plaintiff, which does not call for interference as when there is an arbitrary, illegal order passed, it is well within



the domain and prerogative of the trial Court to grant discretionary relief, in view of the same, an ad-interim order of temporary injunction is granted by the trial Court, which does not call for interference.

15. Learned counsel for the respondent/plaintiff further contends that the affidavit annexed to the application speaks volumes about the conduct and behaviour of the defendant which has been considered by the learned trial judge and accordingly felt the necessity to issue an ad -interim order before issuance of notice to the defendant. Therefore, he contends that there is no need for this court to interfere with the well reasoned order passed by the trial Court.

16. Having heard the learned senior counsel on behalf of the petitioner/defendant and learned counsel for the respondent/plaintiff. The point that arises for consideration before this court is as follows:



1. *Whether the present writ petition is maintainable under Article 227 of the Constitution?*

2. *Whether it requires to be entertained by setting aside the order?*

17. In the judgment of the **Hon'ble Apex Court** in the case of ***Kishore Kumar Khaitan and Another V/s Praveen Kumar Singh reported in (2006) 3 SCC 312***, the Hon'ble Apex Court has clearly culled out the powers of this Court under Article 227 of the Constitution of India. Therefore, the question of maintainability is no longer *res integra*, as the Hon'ble Apex Court has already decided this matter time and again in several judgments. It would be relevant to extract paragraph No.13 of the said judgment:

*"13. The jurisdiction under Article 227 of the Constitution may be restrictive in the sense that it is to be invoked only to correct errors of jurisdiction. But when a court asks itself a wrong question or approaches the question in an improper manner, even if it comes to a finding of fact, the said finding of fact cannot be said to be one rendered with jurisdiction and it will still be amenable to correction at the hands of the High Court under Article 227 of*



*the Constitution. The failure to render the necessary findings to support its order would also be a jurisdictional error liable to correction. Here the jurisdiction to grant an interim mandatory injunction could be exercised on entering a finding that on the day the order for maintaining the status quo was passed, the plaintiff was in possession and a day after the interim order was passed, he was in fact dispossessed. The interim direction to maintain status quo was an ex parte order. From the order of the Additional District Court it is not possible to come to the conclusion that on a proper advertence to the relevant materials, prima facie clear findings had been rendered by that court on these aspects. The prima facie infirmities attached to the letter said to create the tenancy cannot also be ignored, since that transaction is the foundation of the plaintiff's claim of possession."*

18. Secondly, whether the petition is to be entertained. It is seen that the trial Court has gone on to pass an ad- interim order of ex parte temporary injunction. Usually in the normal circumstances while considering an application under Order XXXIX Rule 3 read with Section 151 of CPC, it is the rule that the trial Court issues notice to the defendant before passing an interim order as contemplated under Order XXXIX Rule 1 and 2 of CPC. There is an exception carved out and the procedure to be followed under Order XXXIX Rule 3 of CPC which reads as under:



*3. Before granting injunction, Court to direct notice to opposite party-The Court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party:*

*[Provided that, where it is proposed to grant an injunction without giving notice of the application to the opposite party, the Court shall record the reasons for its opinion that the object of granting the injunction would be defeated by delay, and require the applicant-*

*(a) to deliver to the opposite party, or to send to him by registered post, immediately after the order granting the injunction has been made, a copy of the application for injunction together with-*

*(i) a copy of the affidavit filed in support of the application;*

*(ii) a copy of the plaint; and*

*(iii) copies of documents on which the applicant relies, and*

*(b) to file, on the day on which such injunction is granted or on the day immediately following that day, an affidavit stating that the copies aforesaid have been so delivered or sent.]*

19. The proviso is very clear. It says when the court proposes to grant an injunction without giving notice of the application to the opposite party, i.e, the defendant, the



court shall record the reasons for its opinion and the object of granting the injunction would be defeated due to the delay and thereafter require the plaintiff to comply with the next obligation provided in Order XXXIX Rule 3 read with Section 151 of CPC with regard to delivery of plaint documents and compliance of the order. Therefore, it is very clearly laid down that it is the normal rule of issuance of notice. But however, it does not preclude the trial Court from granting an ad-interim order of temporary injunction without issuance of notice in view of the facts and circumstances that the delay would cause injustice and defeat the purpose of the very filing of the application and the suit. Therefore, it is apparently clear from the provision itself that the trial Court has been conferred with the prerogative and obligation to record the reasons for its opinion and the duty is cast on the applicant to comply with the requirements of clause 'a' and clause 'b' of the proviso. Therefore, when there is an obligation cast by legislation, which is mentioned as "shall," it is the duty of the trial Court



to specifically mention and enumerate the details and the reasons for being satisfied with regard to the grant of an ad-interim temporary injunction and the issuance of the same ad-interim ex-parte injunction without notice and that the delay in issuance of notice would cause injustice to the plaintiff, which has not been done in the present case. It is relevant to extract the observation at paragraph Nos.32, 33, 34 and 35 of the judgment of the Hon'ble Apex Court in the case of **Shiv Kumar Chadha -vs- Municipal Corporation of Delhi and others** reported in **(1993) 3 SCC 161:**

*"32. Power to grant injunction is an extraordinary power vested in the court to be exercised taking into consideration the facts and circumstances of a particular case. The courts have to be more cautious when the said power is being exercised without notice or hearing the party who is to be affected by the order so passed. That is why Rule 3 of Order 39 of the Code requires that in all cases the court shall, before grant of an injunction, direct notice of the application to be given to the opposite-party, except where it appears that object of granting injunction itself would be defeated by delay. By the Civil Procedure Code (Amendment) Act, 1976, a proviso has been added to the said rule saying that "where it is proposed to grant an injunction without giving notice of the application to the opposite-party, the court shall record the reasons for its opinion that the*



*object of granting the injunction would be defeated by delay...".*

*33. It has come to our notice that in spite of the aforesaid statutory requirement, the courts have been passing orders of injunction before issuance of notices or hearing the parties against whom such orders are to operate without recording the reasons for passing such orders. It is said that if the reasons for grant of injunction are mentioned, a grievance can be made by the other side that court has prejudged the issues involved in the suit. According to us, this is a misconception about the nature and the scope of interim orders. It need not be pointed out that any opinion expressed in connection with an interlocutory application has no bearing and shall not affect any party, at the stage of the final adjudication. Apart from that now in view of the proviso to Rule 3 aforesaid, there is no scope for any argument. When the statute itself requires reasons to be recorded, the court cannot ignore that requirement by saying that if reasons are recorded, it may amount to expressing an opinion in favour of the plaintiff before hearing the defendant.*

*34. The imperative nature of the proviso has to be judged in the context of Rule 3 of Order 39 of the Code. Before the proviso aforesaid was introduced, Rule 3 said "the court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite-party". The proviso was introduced to provide a condition, where court proposes to grant an injunction without giving notice of the application to the opposite-party, being of the opinion that the object of granting injunction itself shall be defeated by delay. The condition so introduced is that the court "shall record the reasons" why an ex parte order of injunction was being passed in the facts and circumstances of a particular case. In this background, the requirement for recording the reasons for grant of ex parte injunction, cannot be held to be a*



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*mere formality. This requirement is consistent with the principle, that a party to a suit, who is being restrained from exercising a right which such party claims to exercise either under a statute or under the common law, must be informed why instead of following the requirement of Rule 3, the procedure prescribed under the proviso has been followed. The party which invokes the jurisdiction of the court for grant of an order of restraint against a party, without affording an opportunity to him of being heard, must satisfy the court about the gravity of the situation and court has to consider briefly these factors in the ex parte order. We are quite conscious of the fact that there are other statutes which contain similar provisions requiring the court or the authority concerned to record reasons before exercising power vested in them. In respect of some of such provisions it has been held that they are required to be complied with but non-compliance therewith will not vitiate the order so passed. But same cannot be said in respect of the proviso to Rule 3 of Order 39. The Parliament has prescribed a particular procedure for passing of an order of injunction without notice to the other side, under exceptional circumstances. Such ex parte orders have far-reaching effect, as such a condition has been imposed that court must record reasons before passing such order. If it is held that the compliance with the proviso aforesaid is optional and not obligatory, then the introduction of the proviso by the Parliament shall be a futile exercise and that part of Rule 3 will be a surplusage for all practical purposes. Proviso to Rule 3 of Order 39 of the Code, attracts the principle, that if a statute requires a thing to be done in a particular manner, it should be done in that manner or not at all. This principle was approved and accepted in well-known cases of Taylor v. Taylor [(1875) 1 Ch D 426 : 45 LJ Ch 373] and Nazir Ahmed v. Emperor [AIR 1936 PC 253 (2) : 63 IA 372 : 37 Cri LJ 897] . This Court has also expressed the same view in respect of procedural requirement of the Bombay Tenancy and Agricultural Lands Act in the case of*



*Ramchandra Keshav Adke v. Govind Joti Chavare  
[(1975) 1 SCC 559 : AIR 1975 SC 915] .*

*35. As such whenever a court considers it necessary in the facts and circumstances of a particular case to pass an order of injunction without notice to other side, it must record the reasons for doing so and should take into consideration, while passing an order of injunction, all relevant factors, including as to how the object of granting injunction itself shall be defeated if an ex parte order is not passed. But any such ex parte order should be in force up to a particular date before which the plaintiff should be required to serve the notice on the defendant concerned. In the Supreme Court Practice 1993, Vol. 1, at page 514, reference has been made to the views of the English Courts saying:*

*"Ex parte injunctions are for cases of real urgency where there has been a true impossibility of giving notice of motion....*

*An ex parte injunction should generally be until a certain day, usually the next motion day...."*

20. On a bare perusal of the impugned order in the present case on hand, the mandatory requirements are not forthcoming with regard to the reasons assigned by the trial Court in grant of the ad-interim order of temporary injunction. Under the circumstances, when there is no imminent threat, damage, or any interference or loss of property or any attachment or otherwise that would cause



any damage to the plaintiff, the property or to himself prior to the issuance of notice, and where delay of issuance of notice would not cause any harm, the normal course would be to issue notice. In the present case, the trial Court has proceeded to pass an ad interim order without issuance of notice and there is no cogent proper reason forthcoming for doing so. The impugned order is passed in a mechanical manner, without following the mandatory requirements as prescribed under order 39 Rule 3 of CPC.

21. The Hon'ble Apex Court in the case of ***Morgan Stanley Mutual Fund V/s Kartick Das*** reported in ***(1994) 4 SCC 225*** at paragraph No.36 held as under:

**36.** *As a principle, ex parte injunction could be granted only under exceptional circumstances. The factors which should weigh with the court in the grant of ex parte injunction are—*

*(a) whether irreparable or serious mischief will ensue to the plaintiff;*

*(b) whether the refusal of ex parte injunction would involve greater injustice than the grant of it would involve;*

*(c) the court will also consider the time at which the plaintiff first had notice of the act complained so that*



*the making of improper order against a party in his absence is prevented;*

*(d) the court will consider whether the plaintiff had acquiesced for sometime and in such circumstances it will not grant ex parte injunction;*

*(e) the court would expect a party applying for ex parte injunction to show utmost good faith in making the application.*

*(f) even if granted, the ex parte injunction would be for a limited period of time.*

*(g) General principles like prima facie case, balance of convenience and irreparable loss would also be considered by the court.*

22. In the case of ***Time City infrastructure and Housing Limited Lucknow V/s State of U.P. and others*** reported in ***2025 SCC Online SC 1674***, the Hon'ble Supreme Court held at paragraph 5 as under:

*5. Looking to the scheme of Order 39, CPC it is clear that ordinarily an order of injunction may not be granted ex parte. The opposite party must be issued a notice and heard before an injunction may be granted. Rule 3 carves out an exception in favour of granting an injunction without notice to the opposite party where it appears that the object of granting injunction would be defeated by the delay.*



*Conferment of this privilege on the party seeking an injunction is accompanied by an obligation cast on the court to record reasons for its opinion and an obligation cast on the applicant to comply with the requirements of Clauses (a) and (b) of the proviso. Both the provisions are mandatory. The applicant gets an injunction without notice but subject to the condition of complying with Clauses (a) and (b) above said.*

23. In the case of **Ramakant Ambalal Choksi V/s Harish Ambalal Choksi and others** reported in **(2024) 11 SCC 351**, the Hon'ble Supreme Court held at paragraphs 32 and 33 as under:

***"Principles governing grant of temporary injunction***

*32. In Anand Prasad Agarwalla v. Tarkeshwar Prasad [Anand Prasad Agarwalla v. Tarkeshwar Prasad, (2001) 5 SCC 568] , it was held by this Court that it would not be appropriate for any court to hold a mini-trial at the stage of grant of temporary injunction.*

*33. The burden is on the plaintiff, by evidence aliunde by affidavit or otherwise, to prove that there is "a prima facie case" in his favour which needs adjudication at the trial. The existence of the prima facie right and infraction of the enjoyment of his property or the right is a condition precedent for the grant of temporary injunction. Prima facie case is not to be confused with prima facie title which has to be established on evidence*



*at the trial. Only prima facie case is a substantial question raised, bona fide, which needs investigation and a decision on merits. Satisfaction that there is a prima facie case by itself is not sufficient to grant injunction. The Court further has to satisfy that non-interference by the court would result in "irreparable injury" to the party seeking relief and that there is no other remedy available to the party except one to grant injunction and he needs protection from the consequences of apprehended injury or dispossession. Irreparable injury, however, does not mean that there must be no physical possibility of repairing the injury, but means only that the injury must be a material one, namely, one that cannot be adequately compensated by way of damages. The third condition also is that "the balance of convenience" must be in favour of granting injunction. The Court while granting or refusing to grant injunction should exercise sound judicial discretion to find the amount of substantial mischief or injury which is likely to be caused to the parties, if the injunction is refused and compare it with that which is likely to be caused to the other side if the injunction is granted. If on weighing competing possibilities or probabilities of likelihood of injury and if the Court considers that pending the suit, the subject-matter should be maintained in status quo, an injunction would be issued. Thus, the Court has to exercise its sound judicial discretion in granting or refusing the relief of ad interim injunction pending the suit. (See Dalpat Kumar v. Prahlad Singh [Dalpat Kumar v. Prahlad Singh, (1992) 1 SCC 719] .)"*

24. In the case of **Vedant Fashions Pvt. Ltd., V/s Smt. Rajul Devi** reported in **2014 SCC OnLine Kar 7191**, the Coordinate Bench of this Court has held at paragraph No.9 as under:



*"A bare reading of the said rule makes it clear that normally, the court, before granting an injunction, direct notice of the application to be given to the opposite party. The exception is, where it appears that the object of granting injunction would be defeated by delay, in such an event, the proviso which has been inserted with effect from 01/02/1977 comes into operation, where the court is empowered to grant an ad interim injunction dispensing with notice provided reasons are recorded for its opinion to the effect that the object of granting the injunction would be defeated by delay if notice is to be served on the respondent. The impugned order is extracted supra in order to ascertain as to whether the trial court had complied with the requirements of the proviso while dispensing with the notice to the defendant while grant an ex parte order of temporary injunction. From a reading of the impugned order, it is clear that, nowhere reasons have been recorded as to why the trial Court was of the opinion that the injunction had to be granted by dispensing notice to the respondents or that non-grant of an injunction would be defeated by delay if notice is to be ordered on respondents. The impugned order is bald, laconic and bereft of any reason. The learned Trial Judge has not even made a brief reference to the facts of the case to arrive at a conclusion that there is a prima facie case for consideration and about balance of convenience being in favour of the plaintiff and whether she would suffer any reparable loss in case of refusal of ex parte injunction. Mechanically, the impugned order has been passed. In that view of the matter, the impugned order has to be quashed on the short ground of there being non-compliance of Rule 3 of Order XXXIX of the CPC. It is noted from the impugned order that the next date of hearing is 31.07.2014."*

25. For the reasons stated above and in the light of the principles enunciated in the judgments stated supra,



this Court deems it appropriate to interfere with the orders passed by the trial Court and direct the trial Court to consider the application on merits. The defendant has already appeared before the trial Court on receipt of summons and is at liberty to file objections if not already filed and contest the matter on merits.

26. Per se, this Court is of the opinion that the interim order passed by the trial Court is not sustainable. On all these counts, the impugned order suffers from illegalities, as the court has not considered these mandatory requirements of the provisions and the catena of judgments of this court and the Hon'ble Apex Court while passing the ad-interim order accordingly, the impugned order deserves to be set aside. Hence, I pass the following order:

**ORDER**

The petition is ***allowed.***

2. The impugned order dated 05.11.2025 passed on IA.Nos.2 and 3 by the XIV Additional City Civil and Sessions



Judge at Bangalore City in OS No.7680/2025 is hereby set aside.

3. The trial Court shall deal with the application Nos.2 and 3 afresh. As the defendant has already appeared before the trial Court, the applications shall be decided on its merits, giving an opportunity for filing objection and hearing both the learned counsels afresh on merits.

4. It is made clear that this Court has not expressed any opinion on the merits of the applications.

5. This Court has allowed this petition by setting aside the ad interim ex-parte order solely on the ground that the trial Court has not provided proper reasons and findings with regard to non-issuance of notice.

6. It is open to the trial Court to hear the plaintiff as well as the defendant on the applications and pass an order independently without being influenced by the order passed herein today.



7. It is further made clear that the trial Court shall consider the orders of this Court and the judgments mentioned herein above and the Hon'ble Apex Court in the case ***of Time City infrastructure and Housing Limited Lucknow V/s State of U.P. and others*** reported in ***2025 SCC Online SC 1674*** and ***Vedant Fashions Pvt. Ltd., V/s Smt. Rajul Devi*** reported in ***2014 SCC OnLine Kar 7191*** while passing the orders ad-interim ex-parte and even otherwise in any further orders.

Sd/-  
(PRADEEP SINGH YERUR)  
JUDGE

RCK,List No.: 2 SI No.: 2