

## Karnataka High Court

### Mrs Harini vs Dr Channakrishnappa on 3 September, 2025

Author: M.Nagaprasanna

Bench: M.Nagaprasanna

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NC: 2025:KHC:34437  
WP No. 3237 of 2025  
IN THE HIGH COURT OF  
DATED THIS THE 3RD DAY OF  
BEFORE  
HC-KAR  
KARNATAKA AT BENGALURU  
SEPTEMBER, 2025  
THE HON'BLE MR. JUSTICE M.NAGAPRASANNA  
WRIT PETITION NO. 3237 OF 2025 (GM-CPC)  
BETWEEN: MRS. HARINI W/O  
MR. KIRAN KUMAR AGED ABOUT 42 YEARS R/AT  
DOOR NO.22, 18TH CROSS BANDAPPA GARDEN, MUTHYLANAGAR  
MATHIKERE, BENGALURU - 560 054.  
...PETITIONER  
(BY SRI GANAPATHY BHAT, ADVOCATE) AND:  
1. DR. CHANNAKRISHNAPPA Digitally signed  
by S/O LATE N.V.MUNISHAMAPPA NAGAVENI  
AGED ABOUT 68 YEARS Location: High Court  
of R/AT FLAT NO.MC-1502 Karnataka "GARDEN GRAND  
APARTMENT" YESHWANTHPUR, BENGALURU - 560 054.  
2. MRS. MONICA CHANNAKRISHNAPPA  
W/O MR. THANMAYA AGED ABOUT  
40 YEARS R/AT FLAT NO.MC-1502  
GARDEN GRAND APARTMENT  
YESHWANTHPUR, BENGALURU - 560 054.

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KUMARI M.V.GHANDHARVIKA D/O MR. M.V.VENKATESH AGED ABOUT 10  
YEARS R/AT FLAT NO. MC-1502 "GARDEN GRAND APARTMENT"  
YESHWANTHPUR, BENGALURU - 560 054 REPRESENTED BY HER NATURAL  
GUARDIAN MOTHER MRS. MONICA CHANNAKRISHNAPPA (AS PER THE ORDER  
PASSED IN O.S. NO.8870/2024) 4. DR. M.V.VENKATESH S/O LATE  
VENKATARAMANAIAH AGED ABOUT 54 YEARS R/AT NO.394, PARIJATHA  
4TH MAIN ROAD, RHCS LAYOUT 2ND STAGE, SRIGANDADAKAVALU  
BENGALURU - 560 091. 5. MRS. RANGAMMA W/O LATE VENKATARAMANAIAH  
AGED ABOUT 72 YEARS R/AT NO.394, PARIJATHA 4TH MAIN ROAD,  
RHCS LAYOUT 2ND STAGE, SRIGANDADAKAVALU BENGALURU - 560 091.  
6. MR. GIRIYAPPA S/O LATE KOTE RANGAIAH AGED ABOUT 55 YEARS  
R/AT NO.394, PARIJATHA 4TH MAIN ROAD, RHCS LAYOUT 2ND  
STAGE, SRIGANDADAKAVALU BENGALURU - 560 091.

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HC-KAR 7. MR. RAMAKRISHNAIAH S/O LATE KOTE RANGAIAH AGED  
ABOUT 51 YEARS R/AT NO.394, PARIJATHA 4TH MAIN ROAD, RHCS  
LAYOUT 2ND STAGE, SRIGANDADAKAVALU BENGALURU - 560 091.

...RESPONDENTS (BY SRI SANJAY  
YADAV B., ADVOCATE FOR R1; R2 - SERVED BUT UNREPRESENTED)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION  
OF INDIA PRAYING TO QUASH THE ORDER DTD. 19.12.2024 PASSED IN O.S.NO.  
8870/2024 ON THE FILE OF HONBLE XI ADDITIONAL CITY CIVIL AND SESSIONS  
JUDGE (CCH 8) AT BENGALURU INSOFAR AS REFUSING TO GRANT EX- PARTE  
INTERIM ORDER AS PER ANNEX-Z CONSEQUENTLY GRANT INJUNCTION RESTRAINING  
THE RESPONDENTS TO NOT TO CREATE THIRD PARTY INTEREST IN RESPECT OF  
SCHEDULE A TO W PROPERTY AND NOT TO WITHDRAW THE AMOUNT FROM THE BANK  
ACCOUNTS WHICH IS MENTIONED IN THE SCHEDULE X PROPERTY. THIS  
PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS  
UNDER:

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CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA  
ORDER

ORAL

The petitioner - plaintiff is before this Court seeking the following prayer:

*"Issue a Writ of Certiorari or any appropriate order by quash the Order dated  
19.12.2024 and I. A. No. 2 Under Order XXXIX Rule 1 and*

2 on the file of Hon'ble XI Additional City Civil And Sessions Judge (CCH 8) at Bengaluru insofar as refusing to grant ex-parte interim order, as per Annexure - Z; Consequently grant injunction restraining the respondents to not to create third party interest in respect of Schedule 'A' to 'W' Property and not to withdraw the amount from the bank accounts which is mentioned in the Schedule 'X' Property in the interest of justice and equity. Grant such other and further reliefs as this Hon'ble Court deems fit and necessary to be grant under circumstances of the above Writ Petition, in the interest of justice and equity."

2. Heard Sri Ganapathy Bhat, learned counsel for petitioner and Sri Sanjay Yadav B., learned counsel for respondent No.1.

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3. What drives the petitioner to this Court is non- consideration of applications - I.A.Nos.1 and 2, both filed under Order XXXIX Rules 1 and 2 r/w. Section 151 of the CPC, seeking exparte temporary injunction, by the petitioner - plaintiff in O.S.No.8870/2024 and that the concerned Court issues notice to the defendants of the aforesaid interlocutory applications.

4. This Court in terms of the order dated 12.02.2025, issued notice to the respondents and in order to protect the interest of the petitioner had granted an interim order on 12.02.2025, holding that, till the next date the parties were directed not to create any third party interest in respect of the suit schedule property. Now the respondents are represented and the applications are pending before the concerned Court.

5. In that light, I deem it appropriate to dispose the petition, with a direction that the concerned Court would consider the applications filed under Order XXXIX Rules 1 and 2

r/w. Section 151 of the CPC, within four weeks from the date of receipt of a copy of this order.

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6. With the aforesaid direction, the writ petition stands disposed.

The interim order subsisting would continue till the applications are considered.

The parties are at liberty to seek necessary orders from the hands of the concerned Court.

Ordered accordingly.

Sd/-

(M.NAGAPRASANNA) JUDGE NVJ CT:SS

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