
(2023) 03 KAR CK 0074

In the Karnataka High Court

Case No : Writ Petition No. 5827 Of 2023 (GM-CPC)

Arvind Homes Private Limited

APPELLANT

Vs

Bharath Kumar C & Others

RESPONDENT

Date of Decision : 31-03-2023

Acts Referred:

Code Of Civil Procedure Code, 1908 — Order 39 Rule 4
Constitution Of India, 1949 — Article 227

Citation : (2023) 03 KAR CK 0074

Hon'ble Judges : Sreenivas Harish Kumar, J

Bench : Single Bench

Advocate : Srinivas Raghavan, D.R. Ravishankar

Final Decision : Disposed Of

Judgement

Sreenivas Harish Kumar, J

1. This writ petition is filed challenging the order dated 9.3.2023 in O.S. 1052/2022 on the file of Senior Civil Judge, Devanahalli.
2. The writ petitioner is defendant No.14 in the suit. The trial court directed the defendants to maintain status quo till further orders. The grievance of the petitioner is that without specifying the nature of status quo to be maintained the trial court should not have passed such an order. It is also submitted by Sri Srinivas Raghavan, learned Senior Counsel for the petitioner that reasons should have been assigned by the trial court for directing the defendants to maintain status quo and therefore writ petition under Article 227 of the Constitution of India can be filed challenging this kind of an order.
3. On 16.3.2023 when this writ petition came up before the coordinate Bench of this court an interim order was passed.
4. After hearing Sri Srinivas Raghavan, learned senior counsel for the petitioner and Sri D.R.Ravishankar, learned senior counsel for the first respondent, it is to

be stated that if really the writ petitioner is aggrieved by the order of the trial court he can request the trial court to dispose of the application for temporary injunction on merits by filing statement of objections or by filing application under Order 39 Rule 4 CPC. The order impugned here is not an order on merits of the case and it can either be vacated or modified in the facts and circumstances of the case.

5. The trial court has posted the case to 31.5.2023 for filing of written statement by defendant No.14, and it is submitted now that the case is advanced to 4.4.2023. Since 4.4.2023 is declared a holiday, the case shall be called on 5.4.2023. On 5.4.2023 if defendant No.14 files his written statement and statement of objections to the application for temporary injunction or an application under Order 39 Rule 4 CPC, the trial court shall hear arguments on the application and decide the application on merits without fail. The interim order granted by this court on 16.3.2023 shall continue till the trial court decides the application. On 5.4.2023 the plaintiff shall also be ready to address arguments on the application and the trial court shall decide the application before the court closes for summer vacation. With these observations, the writ petition is disposed of.