



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 19212 OF 2026 (GM-CPC)

BETWEEN:

EXERGIC EDUCATION PVT. LTD.,
A COMPANY REGISTERED UNDER
THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT HD-521,
WEWORK PRESTIGE ATLANTA,
SOFTWARE INDUSTRY, NO. 10/12,
80 FEET MAIN ROAD, KORAMANGALA,
1A BLOCK, BANGALORE
KARNATAKA - 560 034
THROUGH ITS DIRECTOR
MR. CHANDRESH KUMAR MAHAJAN.

...PETITIONER

(BY SRI. DECLYN GERARD GOMES, ADVOCATE)

AND:

NISHANTH KUMAR
AGED MAJOR
SON OF HARISH PRASAD
R/O VILL- DAMODARPUR,
DAMODARPUR, MUZAFFARPUR,
PATAHI, BIHAR - 843 113.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SET ASIDE ORDER





DATED 01/08/2025 PASSED ON I.A. UNDER ORDER V RULE 20 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 BY THE HONBLE XIX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH 18) IN O.S. NO. 3092/2024 AND ETC.,

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The petitioner is before this court aggrieved by the Order dated 01.08.2025 passed on the I.A., by the XIX Additional City Civil and Sessions Judge, Bengaluru (CCH-18) in O.S.No.3092/2024, whereby the trial Court has refused to permit the petitioner to issue summons by way of email.

2. Learned counsel for the petitioner has relied on the order passed by the Co-ordinate Bench of this Court in ***Dhalitha Vividha Gramodyoga Kaigarika Sahakara Sanga Niyamitha (R) Vs Samatha Sainika Dal SSD***, arising out of ***W.P.No.35488/2025 (GM-CPC) dated 09.12.2025***, whereby the Co-ordinate Bench of this Court has observed as follows:



"6. This Court does not find any need or necessity to issue notice to the respondent-defendant for the reason that the petitioner is questioning the non-passing of the order on the application in IA.No.1, wherein the trial Court has neither passed any order for grant of an ad interim ex parte order of temporary injunction or for rejection of the same.

7. When an application is filed under Order XXXIX Rules 1 and 2 of CPC by the plaintiff along with the plaint seeking an ad interim ex parte order of temporary injunction, it becomes the duty and obligation of the trial Court to consider the same and pass suitable orders either granting or rejecting the ad interim ex parte order of temporary injunction. This Court in the case of Karnataka State Cricket Association vs. Mr.Shashidhara A.V. in WP.No.33725/2025 [Decided on 17.11.2025] has made certain observations and guidelines as to how the trial Court has to deal with an application filed under Order XXXIX Rules 1 and 2 of CPC. It is not optional for the trial Court to merely issue notice to the defendant before passing an interim order of temporary injunction against the defendant.

8. The trial Court will also have to consider judgments of the Hon'ble Apex Court in the cases of Shiv Kumar Chadha vs. Municipal Corporation of Delhi and others reported in (1993)3 SCC 161, Time City Infrastructure and Housing Limited Lucknow vs. State of U.P. and Others reported in 2025 SCC Online SC 1674 and the judgment of the Coordinate Bench of this Court in the case of Vedant Fashions Pvt. Ltd., vs. Smt.Rajul Devi reported in 2014 SCC OnLine Kar 7191 while deciding the application under Order XXXIX Rules 1 and 2 of CPC.

9. It is brought to the notice of this Court that notice is yet to be served on the defendant. Therefore, it would be appropriate for this Court to direct the trial Court to decide the application either granting or rejecting an ad interim ex parte order of temporary injunction by providing proper reasons."



3. Learned counsel appearing for the petitioner submits that this order passed by the Court is contrary to the circulars issued by the High Court from time to time. It is submitted that in compliance with the High Court Circulars, the petitioner has filed an affidavit and also he has filed the documents to show that after the interim injunction was granted, when the petitioner has sent the mail that was replied to by the respondent, which clearly shows that they are aware of the proceedings and the defendant wantedly refusing to receive the notice and the Court without considering all this, has passed this order.

4. It is submitted that the suit is of the year 2024 and so far, the notice could not be served on the respondent and the Court ought to have considered the application filed under Order V r/w Section 151 of CPC.

5. Having heard the learned counsel for the petitioner, perused the order. When an I.A, is filed under Order V r/w Section 151 of CPC, to issue suit summons to the defendant by way of email and also having complied with all the formalities as laid down by the High Court in its circular dated 17.02.2025,



the trial Court ought to have considered the same. But, the order impugned reveals that the trial Court has failed to appreciate any of the contentions.

6. In the light of the above order passed by Co-ordinate Bench of this, this Court is passing the following:

ORDER

- i. The order dated 01.08.2025 passed in O.S.No.3092/2024 on I.A.No.V by the XIX Additional City Civil and Sessions Judge, Bengaluru (CCH-18) is ***set aside.***
- ii. It is submitted that the matter is coming up on 15.07.2026. The Trial Court shall consider I.A., filed under Order V r/w Section 151 of CPC, praying to issue suit summons to the defendant by way of email as per the circular dated 17/12/2025 issued by the High Court and pass appropriate orders within a period of one week from the date of receipt of the copy of the order.
- iii. Accordingly, the writ petition is ***allowed.***



NC: 2026:KHC:35322
WP No. 19212 of 2026

- iv. Pending I.As if any, in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

GH
List No.: 1 SI No.: 16