HC-KAR

NC: 2026:KHC:24535
WP No. 11695 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 11695 OF 2026 (GM-CPC)

BETWEEN:

SRI. J. H. PRASANNA KUMAR,
S/O LATE J.R.HANUMANTHA RAO,
AGED ABOUT 59 YEARS,
R/AT B006, AMITY HARMONY APARTMENT,
SHASHIDHARA LAYIUR, DWARAKANAGAR,
CHANNASANDRA,
BENGALURU - 560 098.

...PETITIONER

(BY SRI.J.H.PRASANNA KUMAR - PARTY-IN-PERSON)

AND:

Digitally signed by DHANALAKSHMI MURTHY
Location: HIGH COURTOF KARNATAKA

MANISH KOTHARI,
MANAGING PARTNER,
M/S SPARSH INFRA,
HAVING IT REG. OFFICE AT NO.2,
1ST FLOOR, PATTABHI RAMAIAH STREET,
R.V. ROAD,
BENGALURU - 560 004.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ENTIRE PROCEEDINGS IN O.S. NO.1692 /2026 PENDING ON THE FILE OF THE XLII ADDL. CITY CIVIL AND

SESSIONS JUDGE (CCH-43), BENGALURU, AS BEING BARRED BY SECTION 34 OF THE SARFAESI ACT, BEING AN ABUSE OF THE PROCESS OF LAW, AND FILED IN BLATANT DEFIANCE OF THE FINALITY OF THE ORDER PASSED BY THIS HON'BLE COURT IN W.P. 9129/2024; DIRECTING THE RESPONDENT TO APPROACH THE DRAT AND LIMITING HIS POSSESSION ONLY FOR TWO MONTHS I.E. UP TO 17.02.2026 VIDE ANNEXURE-A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

In this writ petition, the petitioner (party-in-person) has sought the following reliefs:

> "*a) Issue a writ of certiorari or any other appropriate writ, order or direction to Quash the entire proceedings in O.S.No.1692/2026 pending on the file of the XLII Addl. City Civil and Sessions Judge (CCH-43), Bengaluru, as being barred by Section 34 of the SARFAESI Act, being an abuse of the process of law, and filed in blatant defiance of the finality of the Order passed by this Hon'ble Court in W.P.9129/2024 directing the respondent to approach the DRAT and limiting his possession only for two months i.e., up to 17.02.2026, Vide Annexure-A.*
>
> *b) Issue an appropriate order or a direction to the Respondent/Auction Purchaser to hand over possession of the schedule property to the Petitioner, without prejudice to the application for restitution already pending in CCC*

1328/2025 (contempt proceedings), in view of expiry of the two-month protection period granted in W.P.No.9129/2024, the cancellation of the sale certificate by the Sub-Registrar, the drat recording that the respondent has not preferred any appeal and the Respondent's continuous contumacy.

c) Pass such other orders that this Hon'ble Court deems fit along with cost of writ petition."

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. Insofar as the second prayer is concerned, the relief sought by the petitioner cannot be granted under Article 227 of the Constitution of India, before this Court. Insofar as the first prayer is concerned, the respondent/plaintiff has filed a suit for injunction in O.S.No.1692/2026 before the XLII Addl. City Civil and Sessions Judge, Bengaluru (hereinafter referred to as the 'Trial Court' for short). The petitioner herein/party-in-person has submitted that after service of summons he

appeared and filed an I.A.No.3 under Order VII Rule 11 of CPC taking contention that the suit is not maintainable in view of Section 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short the 'SARFAESI Act'). Since no order has been passed on the said application, he sought for a direction to dispose of the said application as expeditiously as possible to the extent the first prayer is concerned.

4. Having regard to the facts and circumstances of the case, and without expressing any opinion on the merits of the matter, this Court deems it appropriate to dispose of the writ petition with a direction to the Trial Court to dispose of the said application as expeditiously as possible.

5. Accordingly, the following order is passed:

ORDER

a) The writ petition is **disposed of**.

b) The Trial Court is directed to dispose of I.A.No.3 filed under Order VII Rule 11 of CPC in accordance with law, as expeditiously as possible, not later than the end of June, 2026.

c) Parties are directed to co-operate for early disposal of the said application.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

PSJ
List No.: 1 Sl No.: 9