HC-KAR

NC: 2026:KHC:61578
WP No. 33533 of 2026

CNR: KAHC010737502026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 33533 OF 2026 (GM-CPC)

BETWEEN:

1. SRI.USMAN SHARIFF
   AGED ABOUT 36 YEARS,
   S/O LATE ANWAR SHARIFF,
   R/AT NO.12/1, CLARKE ROAD,
   RICHARDS PARK, RICHARDS TOWN,
   BANGALORE 560006

...PETITIONER

(BY SRI NAVEED AHMED, ADVOCATE)

AND:

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

1. SMT.SHATAJI BEGUM
   D/O LATE JAMALUDDIN SHARIFF,
   W/O LATE SYED ABDUL MAJID
   AGED ABOUT 70 YEARS,
   R/AT NO.7, SHAMPUR MAIN ROAD,
   COFFEE BOARD COLONY,
   NEAR QUABA MASJID D.J.HALLI
   ARABIC COLLEGE POST,
   BENGALURU 560045

...RESPONDENT

(VIDE ORDER DATED 05.11.2026

NOTICE TO RESPONDENTS IS DISPENSED WITH)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE IV ADDITIONAL SENIOR CIVIL JUDGE, BENGALURU RURAL, IN O.S.NO.1730/2026 TO PASS ORDERS ON THE APPLICATION FILED UNDER ORDER VII RULE 11 OF CPC AT ANNEXURE B AND INTERMS OF THE ORDER DATED 23-09-2026 PRODUCED AT ANNEXURE D IN O.S.NO.1730/2026 BEFORE IV ADDL.SR.CIVIL JUDGE, BENGALURU RURAL.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The limited grievance of the petitioner in the present writ petition pertains to the inaction on the part of the Trial Court in considering the application filed under Order VII Rule 11 of the Code of Civil Procedure.

2. Learned counsel appearing for the petitioner submits that the Trial Court heard arguments on the said application on 23.09.2026. Written arguments were also filed, and the matter was thereafter posted for orders on 16.10.2026.

3. However, it is submitted that, thereafter, there is no further reference to the said application. Instead of passing

orders on the pending application, the Trial Court is proceeding with the trial of the suit.

4. It is further submitted that the suit is one seeking a direction to defendant No.6/BDA to disburse compensation in respect of the suit schedule property.

5. Considered the submissions made by learned counsel for the petitioner and perused the material on record.

6. In view of the limited interference sought, issuance of notice to the respondents is unnecessary and is accordingly dispensed with.

7. It is trite law that once the Trial Court has heard arguments on an application filed under Order VII Rule 11 of the Code of Civil Procedure and the matter has been posted for orders, it is incumbent upon the Trial Court to pronounce its order on the said application. The Trial Court has not assigned any reasons for not pronouncing orders on the pending application. In the absence of any compelling reasons being recorded to justify such inaction, this Court is of the view that

the Trial Court is required to be directed to consider and dispose of the pending application expeditiously.

8. The writ petition is disposed of with the following directions:

ORDER

(i) The writ petition is ***allowed in part***.

(ii) The Trial Court is directed to consider and dispose of the pending application filed under Order VII Rule 11 of CPC, within an outer limit of four weeks from today.

(iii) Learned counsel for the petitioner is directed to place a copy of this order before the Trial Court, if necessary, by seeking advancement of the case.

Sd/-
(K. V. ARAVIND)
JUDGE

VN
List No.: 2 Sl No.: 6