HC-KAR

NC: 2026:KHC:61496
WP No. 33881 of 2026

CNR: KAHC010752202026

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. 33881 OF 2026 (GM-CPC)

BETWEEN:

1. SRI. ALKESH VINOD SHAH,
   S/O LATE SRI VINOD KANJI SHAH,
   AGED ABOUT 42 YEARS,
   RESIDING AT NO. 5,
   KALPAVRAKUSH HOMES, FIRST FLOOR,
   1ST MAIN ROAD, UPPER PIPE LINE ROAD,
   KUMARA PARK WEST,
   BENGALURU 560 020

...PETITIONER

(BY SRI. ANGAD KAMATH, ADVOCATE)

AND:

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

1. SRI. NITIN KANJI SHAH
   S/O LATE SRI KANJI DEVSHI SHAH,
   AGED ABOUT 60 YEARS,
   RESIDING AT NO. 7, KUNAL,
   UPPER PIPELINE ROAD,
   KUMARA PARK WEST,
   BENGALURU 560 020

...RESPONDENT

(VIDE ORDER DATED 05.11.2026 NOTICE TO RESPONDENT IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECTING THE XII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-27) TO TAKE UP AND DECIDE, BY A REASONED ORDER, I.A. NO. 15 FILED BY THE PETITIONER ON 07.10.2026 UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 IN MISC. NO.915/2018 SEEKING DISMISSAL OF THE SAID PROCEEDING AS HAVING BEEN RENDERED INFRUCTUOUS BEFORE PROCEEDING FURTHER WITH THE CROSS-EXAMINATION OF RW-1 AND BEFORE DECIDING MISC. NO. 915/2018 ON MERITS, AND WITHIN SUCH TIME AS THIS HON'BLE COURT MAY, THE ORDER SHEET OF WHICH IS PRODUCED AT ANNEXURE-B.

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 prayer in this petition is to direct the Trial Court to consider I.A. No. 15 expeditiously.

2. Learned counsel appearing for the petitioner submits that I.A. No. 15 was filed seeking dismissal of the contempt petition in Misc. No. 915/2018. Learned counsel further submits that the Trial Court granted an opportunity to file objections to the said application and, on 07.10.2026 after hearing both sides, posted the application for orders.

3. It is submitted that the Trial Court, without passing orders on the said application, is proceeding with the matter, which, if permitted, would render the application infructuous. It is further submitted that the decision on the said application would have a bearing on the very maintainability of the pending miscellaneous petition in which the application has been filed.

4. Considered the submissions made by learned counsel of the petitioner.

5. In view of the limited nature of the direction sought, issuance of notice to the respondent is unnecessary and is accordingly dispensed with.

6. It is evident from the order sheet that I.A. No. 15 was filed on 24.09.2026. Time was granted to the petitioner therein to file objections, which were filed on 07.10.2026. Arguments were heard on the same day, and the matter was reserved for orders on the said application. Thereafter, the matter was listed on 12.10.2026, 13.10.2026, 16.10.2026, 17.10.2026 and 31.10.2026. However, the order sheet does not reflect any order having been passed on I.A. No. 15.

7. This Court finds no compelling reason for the failure to pronounce orders on the said application. Consideration of I.A. No. 15 is necessary before proceeding further in Misc. No. 915/2018, as the application raises an issue touching upon the maintainability of the pending proceedings. Accordingly, the application requires consideration before any further progress is made in the said proceedings.

8. In view of the above, this Court is inclined to entertain the writ petition.

9. Accordingly, the writ petition is ***disposed of***, directing the Trial Court to consider and dispose of pending I.A. No. 15 within an outer limit of one month, before proceeding further in Misc. No. 915/2018.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 2 Sl No.: 12