

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF DECEMBER, 2025

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE UMESH M ADIGA

WRIT PETITION NO. 5636 OF 2021 (GM-CON)

BETWEEN:

SLV VENTURES,
NO.12, ANU COMPLEX,
KATHRIGUPPE MAIN ROAD,
B S K, 3RD STAGE,
NEAR ITI COLONY,
BANGALORE-560 100.
REP. BY ITS PARTNER
SRI.M.DAMODARA NAIDU.

...PETITIONER

(BY SRI.PRAKASH.M.H. ADVOCATE)

AND:

1. SRI.SANDEEP NANDAN KALAVA,
S/O K.MANO HAR NANDAN,
AGED ABOUT 41 YEARS,
R/AT NO.718, GR SAGAR NIVAS,
NAGANATHAPURA,
HOSUR ROAD, BANGALORE-560 100.
2. LIC HOUSING FINANACE LTD,
NO.S9, SHREE PLAZA,
1ST FLOOR, 80 FEET ROAD,

KORAMANGALA 1ST BLOCK,
BENGALORE-560 034,
REP. BY ITS MANAGER.

...RESPONDENTS

[BY SMT.POORNIMA H.S. ADVOCATE FOR R1
SRI.RAJESH SHETTY, ADVOCATE FOR R2 (ABSENT)]

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO (A) SET ASIDE THE ORDER DATED 20/01/2021 PASSED BY THE KARNATAKA STATE CONSUMER DISPUTES REDRESSAL COMMISSION, BANGALORE AND CONSEQUENTLY SET ASIDE THE ORDER DATED 07/06/2019 AND 20/06/2019 IN C.C.NO.112/2018 VIDE ANNEXURE-E, (B) GRANT ANY OTHER ORDER OR DIRECTION INTERIM PRAYER IN VIEW OF THE GROUNDS NARRATED SUPRA IN THIS PETITION, THE PETITIONER MOST RESPECTFULLY PRAYS THIS HON'BLE COURT BE PLEASED TO ISSUE AN AD INTERIM ORDER BY STAYING THE FURTHER PROCEEDINGS IN C.C.NO.112/2018 ON THE FILE OF KARNATAKA STATE CONSUMER DISPUTES REDRESSAL COMMISSION, BANGALORE.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 11.09.2025, COMING ON FOR 'PRONOUNCEMENT OF ORDER' THIS DAY, **JAYANT BANERJI J.**, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
AND
HON'BLE MR. JUSTICE UMESH M ADIGA

CAV ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard learned counsel for the petitioner and learned counsel appearing for respondent No.1; no one appears for respondent No.2.

2. This petition has been filed seeking the following reliefs:

- a) *"Set aside the order dated: 20.01.2021 passed by the Karnataka State Consumer Disputes Redressal Commission, Bangalore and consequently set aside the order dated: 07.06.2019 and 20.06.2019 in C.C.No.112/2018 vide Annexure-E.*
- b) *Grant any other order or direction under the circumstances of the case that this Hon'ble Court deems fit in the interest of justice and equity."*

3. The contention of learned counsel for the petitioner is that the complainant/respondent No.1 filed a complaint bearing no.112/2018 under Section 17 of the Consumer Protection Act, 1986¹, before the State Commission. By an order dated 21.03.2018, the State Commission issued notices to the opposite parties fixing 06.07.2018. On 06.07.2018, the advocates appearing for the petitioner as well as respondent No.2 herein appeared on 08.08.2018 was the next date fixed for filing their version.

¹ Act

4. On 08.08.2018, the Advocate of the opposite party No.1 filed his version. For filing version of opposite party No.2/petitioner, the Commission fixed the date of 14.08.2018.

5. On 14.08.2018, the Advocate for the petitioner/OP No.2 filed an IA under Section 151 of CPC seeking permission to file his version. With that IA, the petitioner also filed the version of OP No.2 and list of documents. For the purpose of filing objections to the IA by the complainant, 05.10.2018 was the date fixed.

6. On 05.10.2018, the Advocate for the complainant filed objections to the IA filed by the petitioner/OP No.2.

7. On 07.06.2019, the following order was passed:

"Advocate for complainant and Opposite Party No.1 present. None appears for Opposite Party No.2. Opposite Party No.2 has not filed their version inspite of completion of 45 days. Therefore, the application filed by him seeking permission to file version is rejected. Neither advocate for Opposite Party No.2 nor Opposite Party No.2 present before the Commission. They have not filed any objections to the injunction application filed on behalf of the complainant."

When called out for the second time, advocate for complainant present, but, the Opposite Party No.2 did not turn up so far-To hear on IA's by 20.06.2019."

8. On 20.06.2019, the District Commission, *inter alia*, again recorded that the petitioner/OP No.2 filed an application seeking permission to file version. In spite of lapse of 45 days, the opposite party has not come forward to file their version and hence, the application filed by the opposite party is required to be dismissed in view of a decision narrated therein.

9. However, on 28.01.2020, the following order is passed:-

"Adv. for complainant present. Now it is noticed that the complainant has filed his affidavit evidence with documents. The version of OP-2 because of delay came to be rejected. For affidavit evidence of OPs by 3/4/2020."

10. It is therefore, evident from the order of 28.01.2020 as well as from the order of 14.08.2018 that, along with IA filed by the petitioner/OP No.2 seeking

permission to file version, it had also filed its version and list of documents. However, it appears that, without consideration of the same, the order 07.06.2019 was passed. Again another order of 20.06.2019 was passed. On 28.01.2020, it was noted that the version of the petitioner/OP No.2 came to be rejected because of delay.

11. Thereafter, on 20.01.2021, the Advocate for the opposite party No.2 filed an application to recall the order dated 07.06.2019 and 20.06.2019 and submitted that, an IA along with version and list with documents were filed on 14.08.2019 itself. The order of 20.01.2021 is quoted below:-

"Advocate for Opposite Party filed an application U/s 151 of CPC R/w Section 17 & 18 of C.P. Act to recall the order dated: 07/06/2019 and 20/06/2019 and submits that they have filed an IA along with version and list with documents on 14/08/2019 itself only. We are not accepting the arguments submitted by the advocate for Opposite Party No.2 as because the I.A. filed U/s 151 of CPC for permission to file the version itself was rejected on 07.06.2019 and 20.06.2019. Hence, the version cannot be taken on record even though they have filed the version along with list with documents.

Hence, the application filed by Opposite Party No.2 is hereby rejected. For arguments by 26.03.2020."

12. Though we have noticed the aforesaid facts, however, we find from the judgment of the Supreme Court in ***Cicily Kallarackal Vs. Vehicle Factory***² cited by the learned counsel for the respondent that it is not appropriate for the High Courts to entertain the writ petitions under Article 226 of the Constitution of India against the orders passed by the Commission as a statutory appeal is provided under the provisions of the Consumer Protection Act, 1986. Moreover, in the decision of ***Ibrat Faizan Vs. Omaxe Buildhome Private Limited***³, it was held that the jurisdiction exercised by the High Court under Article 227 against the order passed in an appeal filed before the National Commission, was correct.

13. In the instant petition, the aforesaid proceedings before the State Commission were not in an appeal against the order of the District Forum. Actually, the complaint was filed directly before the State Commission under sub-clause (i) of Clause (a) of sub-section (1) of Section 17 of the Act.

² (2012) 8 SCC 524

³ AIR 2022 SC 2363

Thus, an appeal would lie against order of the State Commission before the National Commission under Section 19 of the Act.

14. In view of the aforesaid, we decline to entertain this petition and it is therefore, **dismissed**.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(UMESH M ADIGA)
JUDGE**

KGR