



CNR: KAHC010214332026

NC: 2026:KHC:43339
WP No. 10141 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.10141 OF 2026 (GM-CPC)

BETWEEN:

SMT. SUKHI DEVI
W/O SRI. RAMESH KUMAR,
AGED ABOUT 67 YEARS,
R/O NO.46, S.B ROAD,
V.V PURAM,
BENGALURU - 560 004

...PETITIONER

(BY SRI. GOUTHAM CHAND S F, ADVOCATE)

AND:

1. SRI. DHANRAJ M
S/O LATE M. MUNISWAMY
DIED ON 07.04.2026,
VIDE ORDER DATED 13.08.2026,
R2 & R3 ARE HELD TO BE THE
LEGAL REPRESENTATIVES OF R1.
2. SRI. GIRISH KUMAR D
S/O SRI. DHANRAJ M
AGED ABOUT 42 YEARS,
3. SMT. D. MOHANA KUMARI
D/O OF SRI. DHANRAJ M
AGED ABOUT 44 YEARS,

ALL ARE RESIDING AT:
PYRAMID PINNACLE APARTMENTS,
FLAT NO.102, SITE NO.38/2,

Digitally
signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA



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17TH 'A' CROSS, 35TH MAIN,
J.P NAGAR 6TH PHASE,
BENGALURU - 560 078

4. SRI. DILIP KUMAR SANWALCHAND
S/O SRI. SANWALCHANDJI JAIN
AGED ABOUT 47 YEARS
OFFICE AT PARSHVA PADMAVATI INFRA,
NO.57, GROUND FLOOR, SPA PLAZA,
OTC, OPP. TO HOTEL LUCIA CITY CENTRE
BENGALURU - 560 002

5. SRI. HITESH KUMAR,
S/O OF SRI. GHULMANMALJI JAIN,
AGED ABOUT 45 YEARS,
R/A NO.1, GURU NIVAS,
2ND FLOOR, 4TH CROSS,
R.T STREET, CHIKPETE CROSS,
BENGALURU - 560 053

...RESPONDENTS

(BY SRI. NAGARAJU, ADVOCATE FOR R2;
R3 IS SERVED;
NOTICE TO R4 & R5 ARE DISPENSED WITH VIDE ORDER
DATED 02.04.2026)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO SETTING ASIDE THE
ORDER DATED 20.02.2026 PASSED ON IA NO.9 IN O.S
NO.5899/2023, VIDE ANNEXURE-A AND ETC

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



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ORAL ORDER

Aggrieved by the order dated 20.02.2026 passed on I.A.No.9 in O.S.No.5899/2023 by the XI Additional City Civil and Sessions Judge, Bengaluru City, the petitioner/defendant is before this Court.

2. The respondents herein have filed a suit to revoke and cancel the Joint Development Agreement registered and executed on 04.10.2016 as not binding on the plaintiff because of unreasonable delay and laches. In the said suit, the present application is filed to take the written statement on record with a delay of 200 days. That came to be rejected by the order impugned.

3. The trial Court, while passing the order, has observed that the conduct of defendant No.3 in not filing the written statement despite repeated opportunities does not indicate bona fide or unavoidable circumstances. The reasons assigned are vague and unsupported by material. At the same time, it is settled law that procedural rules are handmaids of justice and Courts should lean in favour of adjudication on merits, unless the conduct of the party is grossly negligent or



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contumacious. In the present case, defendant No.3 was granted multiple opportunities and even a final chance. The stage was closed after due indulgence. No exceptional or sufficient cause is shown to recall that order. Therefore, the court is of the opinion that the defendant No.3 has failed to make out sufficient grounds to recall the order dated 07.08.2024. Accordingly, dismissed the application.

4. Learned counsel for the petitioner submits that after the suit was filed, when the defendants entered an appearance, he filed an application under Section 8(1) of the Arbitration and Conciliation Act to refer the matter to arbitration. That application was dismissed on 17.03.2025, and a written statement was filed in September, 2025. It is submitted that he has, in fact, filed a counterclaim. To that counterclaim, the plaintiff has already filed a written statement. Learned counsel for the petitioner submits that, for these reasons, there was a delay in filing the written statement. Hence, unless and until the written statement is taken on record, it would cause lot of hardship to the defendant.



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5. Learned counsel appearing on behalf of the respondent submits that the petitioner has filed several applications one after the other only with the intention to protract the proceedings. The Court has rightly considered these aspects, rejected the I.A., and has not taken the written statement on record. There are no grounds to interfere with the well-considered order passed by the trial Court.

6. Having heard the learned counsel on either side, perused the material on record. The suit is filed to cancel the Joint Development Agreement. It is also an admitted fact that the defendant has filed a counterclaim, and he has already filed his written statement in response to that counterclaim. There is no dispute that after the suit was filed, he filed an application for arbitration under Section 8 of the Arbitration and Conciliation Act, which was disposed of in March 2025. The written statement was filed in September 2025, and there is no doubt about the delay in filing the same. Considering the claim and counter-claim, and taking the written statement on record, the Court will be able to adjudicate the disputes between the parties. In those circumstances, this Court deems it appropriate



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to allow this application on costs. Accordingly, this Court is passing the following:

ORDER

- i. The order dated 20.02.2026 passed in O.S.No.5899/2023 on the file of XI Addl. City Civil & Sessions Judge, Bengaluru City is ***set aside***.
- ii. Consequently, I.A.No.9 is ***allowed*** on the condition that the petitioner shall pay an amount of Rs.20,000/- towards costs to the plaintiffs.
- iii. Accordingly, the writ petition is ***allowed***.
- iv. Pending IAs., if any, shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

PKN
List No.: 1 Sl No.: 30