



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 12758 OF 2026 (GM-CPC)

BETWEEN:

SRI B.NAGARAJ
AGED ABOUT 38 YEARS
SO LATE NARASIMHAIAH
RIA FARM HOUSE,
SITUATED AT SY NO.211/1,
HAROHALLI VILLAGE, VARUNA HOBLI
MUSURU TALUK,
MYSURU DISTRICT-570 028

...PETITIONER

(BY SRI. THEJESH N., ADVOCATE)

AND:

1. SRI MOHAN KUAMR K.,
AGED ABOUT 26 YEARS,
S/O KALAYYA
2. SMT. SOWMYA
AGED ABOUT 27 YEARS
D/O KALAYYA
3. SMT. POOJA
AGED ABOUT 24 YEARS,
D/O KALAYYA

R1 TO R3 ARE R/AT NO.629,
RAMAMANDIRA ROAD,
MELLAHALLI VILLAGE,
VARUNA HOBLI,
HAROHALLI POST, MYSURU TALUK,
MYSURU DISTRICT-570 028



4. SH. KALAYYA
AGED ABOUT 63 YEARS.
S/O LATE SIDDIAH @
MOLAYYANA MOGAIAH

5. SRI. SUNIL
AGED ABOUT 38 YEARS,
S/O KALAYYA

6. SMT. BHAGYA
AGED ABOUT 54 YEARS,
W/O KALAYYA

RESPONDENT NO.4 TO 6 ARE
RESIDING AT NO 629,
RAMAMANDIRA ROAD,
MELLAHALLI VILLAGE, VARUNA HOBLI,
HAROHALLI POST, MYSURU TALUK,
MYSURU DISTRICT -570 028

7. SRI. MULLE DYAVIAH
AGED ABOUT 65 YEARS,
S/O LATE SIDDIAH @
HOLAYYANA MOGAIAH
R/AT NO. 637, RAMAMANDIRA ROAD,
MELLAHALLI VILLAGE, VARUNA HOBLI,
HAROHALLI POST, MYSURU TALUK,
MYSURU DISTRICT-570 028

8. SMT. MANCHAMMA
AGED ABOUT 68 YEARS
W/O LATE CHANNAIAH @
MALLE CHANNAIAH

9. SMT. DEVAMMA
AGED ABOUT 45 YEARS
D/O LATE CHANNAIAH @
MALLE CHANNAIAH

10. SRI. RAMESHA
AGED ABOUT 38 YEARS
S/O LATE CHANNAIAH @
MALLE CHANNALAH



11. SMT. SAKAMMA
AGED ABOUT 32 YEARS
D/O LATE CHANNAIAH @
MALLE CHANNAIAH

R-8 TO R-11 ARE R/AT
NO. 628, RAMAMANDIRA ROAD,
MELLAHALLI VILLAGE, VARUNA HOBLI,
HAROHALLI POST, MYSURU TALUK,
MYSURU DISTRICT- 570 028

12. SRL. P.JAGANNADA REDDY
AGED ABOUT 45 YEARS
C/O NO.66, FORTUNE VALLY,
DASARAHALLI MAIN ROAD,
MARIYANA PALYA,
BENGALORE-560 024

13. SRI. Y.MADHUSUDAN REDDY
AGED ABOUT 50 YEARS
C/O NO.66, FORTUNE VALLY.
DASARAHALLI MAIN ROAD,
MARIYANA PALYA,
BENGALORE-560 024

14. SMT. NEETU TAYAL BATHEJA
AGED ABOUT 47 YEARS,
C/O NO.66, FORTUNE VALLY
DASARAHALLI MAIN ROAD,
W/O NEERAJ BATHEJA,
MARIYANA PALYA,
BENGALORE-560 024

...RESPONDENTS

(NOTICE TO R1 TO R3 ARE HELD SUFFICIENT V/O/DATED:
09/07/2026

NOTICE TO R4 TO R14 ARE DISPENSED WITH
V/O/DATED: 02/06/2026)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED
ORDER AT ANNEXURE-D DATED 10-03-2026 PASSED IN O.S NO.
728/2025 BY V ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, AT



MYSURU, REJECTING THE APPLICATION, I.A. NO.2 FILED BY PETITIONER UNDER SECTION 151 OF CPC BY ISSUE OF A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR DIRECTION AS THE CASE MAY BE AND CONSEQUENTLY ALLOW THE APPLICATION, I.A. NO.2 FILED BY THE PETITIONER.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 10.03.2026 passed in I.A.No.2 in O.S.No.728/2025 by the V Additional Senior Civil Judge and JMFC, Mysuru, the petitioner/defendant No.12 is before the court.

2. IA No. 2 is filed seeking permission of the trial court to file the written statement. It is stated that the suit was filed on 02.05.2025. The written statement was not filed due to preoccupation and unavoidable circumstances. It is also stated that, as per the judgment of the Hon'ble Supreme Court, the provision is not mandatory but only directory, and the court can entertain the application for the reasons assigned by the party. It is stated that the State of Karnataka has brought an amendment dated 05.06.2025 to the CPC, fixing a time limit of 120 days for filing the written statement. It is the case of the



petitioner that the suit was filed on 02.05.2025, the amendment is dated 05.06.2025, and the amendment is prospective in nature and cannot be applied to the facts of the case. Further, it is submitted that the trial court has failed to give any reasons for dismissing the application.

3. Having heard the learned counsels on either side, perused the material on record. The petitioner filed the application to take the written statement on record. That came to be dismissed on the ground that the mandatory period had lapsed and accordingly the written statement is discarded. The suit is for partition and the written statement was filed 90 days, after the statutory period of 120 days. As far as the amendment is concerned, it will not apply to the present case, as this suit was filed prior to the amendment.

4. The petitioner has taken out hand summons on the learned counsel appearing for respondent Nos.1 to 3 before the trial Court and has filed a memo to that effect. Hence, this Court by order dated 09.07.2026, held the notice to respondent Nos.1 to 3 sufficient.



5. Considering the fact that it is a partition suit and that the substantial interests of the parties are involved, unless the written statement is taken on record, it would cause prejudice to the defendant. In that view of the matter, balancing the interests of both the parties, this court is passing the following:

ORDER

- i. The order dated 10.03.2026 in O.S.No.728/2025 is set aside and consequently, IA No.2 is allowed.
- ii. For the delay in filing the written statement, the petitioner shall pay an amount of Rs.2,000/- to the respondents.
- iii. Accordingly, the writ petition is ***disposed of.***
- iv. All pending I.As., in the writ petition shall stand closed.

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