



CNR: KAHC010294772026

NC: 2026:KHC:51613
WP No. 13577 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF SEPTEMBER, 2026

BEFORE

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

WRIT PETITION NO. 13577 OF 2026 (GM-CPC)

BETWEEN:

1. DR. K. VENKATAGIRI
S/O LATE M.B. KRISHNA REDDY,
AGED ABOUT 52 YEARS,
80 FEET RING ROAD,
NO.33/2A, HANUMAIYYA COMPLEX,
NEAR MALATHALLI BUS STAND,
BANGALORE - 560 056.

...PETITIONER

(BY SRI. NITIN A.M., ADVOCATE)

AND:

1. MRS. SONIYA RACHEL CHACKO
AGED ABOUT 39 YEARS,
D/O NE CHACKO,
SUNIL VILLA ARATAPUZHA,
CHENGANNUR TALUK AND
POST KERALA - 689 123.

...RESPONDENT

(NOTICE TO RESPONDNT - DISPENSED)

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





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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE IN ITS ENTIRETY THE ORDER DATED 04.04.2026 IN OS NO. 7500/2022 PENDING BEFORE THE COURT HONBLE LXXV ADDL. CITY CIVIL AND SESSIONS, BENGALURU ON IA NO. 5/2025 FILED UNDER SECTION 151 OF CPC 1908 BY THE RESPONDENTS i.e., ANNEX-D AND CONSEQUENTLY DISMISS IA NO. 5/2025 FILED UNDER SECTION 151 OF CPC, 1908 BY THE RESPONDENT DT. 15.02.2025 ANNEX-B AND ETC,.

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

Heard the learned counsel for the petitioner.

2. This writ petition is filed challenging the order dated 04.04.2026 passed in O.S. No.7500/2022, whereby the Trial Court condoned the delay in filing the written statement and entertained the application.

3. Learned counsel appearing for the petitioner submits that the suit is of the year 2022 and that the defendant deliberately evaded service of summons.

3.1 It is further submitted that the statements made in the affidavit accompanying the application seeking condonation of



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delay in filing the written statement are incorrect. Learned counsel contends that the Trial Court, without considering the aforesaid aspects, erred in permitting the defendant to file the written statement.

4. Considered the submissions made and perused the writ petition papers.

5. It is evident from the impugned order that the notice issued to the defendant was returned with the endorsement "unclaimed" on 16.04.2024, and the service was held sufficient on the same date. The defendant filed an application on 15.02.2025 seeking condonation of the delay in filing the written statement.

6. Having regard to the reasons stated in the affidavit and the findings recorded by the Trial Court, and in the interest of justice, particularly to afford the defendant an opportunity to defend the suit, avoid multiplicity of proceedings and facilitate comprehensive adjudication of the dispute, the permission granted by the Trial Court to file the written statement cannot be said to be unjustified.



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7. The delay is of about nine months. In the circumstances, the cost of Rs.500/- imposed by the Trial Court is on the lower side. This Court finds no infirmity in the impugned order warranting interference, except to the extent of the quantum of costs imposed. Issuance of notice to the respondent for enhancement of costs would further delay the adjudication of the suit. Hence, notice to the respondent is dispensed with.

8. In order to meet the ends of justice, the order permitting the defendant to file the written statement is sustained. However, the cost of Rs.500/- imposed by the Trial Court is enhanced to Rs.15,000/-, which shall be paid to the plaintiff before the Trial Court on the next date of hearing.

With the above observations, the writ petition stands ***disposed of.***

**Sd/-
(K. V. ARAVIND)
JUDGE**