



CNR: KAHC010321532026

NC: 2026:KHC:39998
WP No. 15728 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 15728 OF 2026 (GM-CPC)

BETWEEN:

SRI. P.N. SESHAGIRI
S/O LATE P.G. NARASIMAH MURTHY
AGED ABOUT 57 YEARS,
R/AT NO. 12, POLICE STATION ROAD,
BASAVANAGUDI, BENGALURU-04
REPRESENTED BY HIS GPA HOLDER
SMT. GEETHA SHANKAR
W/O P.N. SESHAGIRI
AGED ABOUT 49 YEARS,
R/AT NO.12, POLICE STATION ROAD,
BASAVANAGUDI,
BENGALURU - 04

...PETITIONER

(BY SRI. N. DILLI RAJAN, ADVOCATE FOR
SRI. SUBBA REDDY K.N., ADVOCATE)

AND:

SRI. VENKATESH N. PARIGI
S/O LATE P.G. NARASIMHA MURTHY
AGED ABOUT 55 YEARS,
R/AT NO.16220, PHOEBE ROAD,
APARTMENT NO. 1207, FRISCO,
TEXAS - 75035, USA

...RESPONDENT

(BY SRI. G.L. VISWANATH, SENIOR COUNSEL APPEARING
FOR SMT. MANASA B. RAO, ADVOCATE)

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by
SHARADAVANI
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Location: High
Court of
Karnataka



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THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI AND QUASH/SET ASIDE THE ORDER DATED 23-4-2026 PASSED IN O.S.NO.5039/2024 IN RESPECT OF I.A. FILED UNDER ORDER VIII RULE 1 OF CPC BY THE LEARNED IX ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU CCH-5 VIDE ANNEXURE -A ETC.

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated 23.04.2026 passed in O.S. No.5039/2024 by the IX Additional City Civil and Sessions Judge, Bengaluru (hereinafter referred to as 'the Trial Court' for short).

2. Heard Sri N. Dilli Rajan, learned counsel appearing on behalf of Sri Subha Reddy K.N, learned counsel for the petitioner and Sri G.L. Vishwanath, learned Senior Counsel appearing on behalf of Smt. Manasa B. Rao, learned counsel for the respondent.



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3. The respondent herein has filed a suit in O.S. No.5039/2024 seeking relief of partition and separate possession. In the said suit, the petitioner herein is the defendant who entered appearance before the Trial Court by filing a caveat petition.

4. It is to be noticed that the petitioner failed to file the written statement within the stipulated time. Hence, by order dated 23.04.2026, the Trial Court recorded that no written statement had been filed. The records further indicate that after a period of one year, the defendant filed an application under Order VIII Rule 1 of the Code of Civil Procedure (for short 'CPC'), seeking permission to file the written statement by condoning the delay. The Trial Court, under the impugned order, by recording reasons that the written statement was sought to be filed beyond the period of 120 days, rejected the application.



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5. It is required to be noticed that the suit is one for partition and separate possession. The petitioner, who is the defendant in the suit, is required to be provided an opportunity to place the defence to oppose the said suit, as the rights of the parties involved in the suit pertain to immovable properties, hence, not providing an opportunity would cause prejudice to the petitioner-defendant.

6. By accepting the cause shown for the non-filing of the written statement within the stipulated time, I am of the view that the application deserves to be allowed. However, it cannot be ignored that the application has been filed after a period of one year. Hence, the same is required to be allowed on costs.

7. Hence, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order dated 23.04.2026 passed in O.S. No.5039/2024 by the IX



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Additional City Civil and Sessions Judge,
Bengaluru, is hereby ***set aside***.

- iii. The application filed by the petitioner -
defendant seeking permission to file
written statement is ***allowed***.
- iv. The Trial Court is directed to accept the
written statement on record and proceed
with the suit in accordance with law,
subject to the petitioner-defendant
paying cost of Rs.10,000/- to the
respondent.
- v. The Trial Court shall endeavor to dispose
of the suit as early as possible.
- vi. The parties shall co-operate for the early
disposal of the suit.
- vii. No order as to costs.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

SMC
List No.: 2 Sl No.: 1