



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 24129 OF 2025 (GM-CPC)

BETWEEN:

MRS. SINDHU BHASKAR
W/O. MR. BHASKAR
AGED ABOUT 48 YEARS
NO.21, 15 A CROSS,
BENDRENAGAR,
UTTARAHALLI MAIN ROAD,
BANGALORE - 560 070.

...PETITIONER

(BY SRI. RAJKUMAR R., ADVOCATE)

AND:

MR. MOHAN DAS K
AGED ABOUT 75 YEARS,
S/O. LATE K RAMA,
RESIDENT OF NO.988,
13TH MAIN, BANASHANKARI
1ST STAGE, SRINAGAR,
BENGALURU - 560 050.

...RESPONDENT

(BY SRI. M.D. RAGHUNATH, ADVOCATE)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED
19.07.2025 PASSED ON I.A.NO.2/2025 IN O.S.NO.26382/2024 BY
THE HON'BLE LXXII ADDITIONAL CITY CIVIL AND SESSIONS
JUDGE AT MAYO HALL, BENGALURU (ANNEXURE-A) AND ALLOW
THE APPLICATION AND ETC.

Digitally signed by
DHANALAKSHMI
MURTHY
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioner has called in question the order dated 19.07.2025 passed by the LXXII Additional City Civil and Sessions Judge, Bengaluru (for short 'Trial Court') on I.A.No.2/2025 filed under Order VIII Rule 1 r/w Section 151 of Code of Civil Procedure (for short, 'CPC'), in O.S.No.26382/2024, whereby the said application filed by the defendant/ petitioner seeking permission to file written statement has been rejected.

2. For the sake of convenience, the parties are referred to as per their ranking before the Trial Court in Original Suit.

3. The plaintiff filed a suit for recovery of money. On service of summons, the defendant has not filed any written statement. Even after the Trial Court granting



sufficient time, the written statement has not been filed. After a period of 120 days, petitioner/defendant filed an application seeking condonation of delay and to accept the written statement. The same came to be dismissed. Being aggrieved by the same, the petitioner is before this Court.

4. Learned counsel appearing for the respondent/plaintiff contends that inspite of the Trial Court granting sufficient time, the petitioner did not file his written statement. He further contended that, in respect of similar properties, other two suits are also filed and written statement has not been filed within the time. Hence, he sought for dismissal of the writ petition.

5. Be that as it may, now the matter is set down for plaintiff's evidence and it is still at the stage of evidence, I am of the opinion that, in the interest of justice, by imposing some cost on the petitioner, the application may be allowed.

6. Accordingly, the following order is passed:



ORDER

- a) The writ petition is **allowed**.
- b) The order dated 19.07.2025 passed by the LXXII Additional City Civil and Sessions Judge, Bengaluru on I.A.No.2/2025 in O.S.No.26382/2024, is set aside.
- c) IA No.2/2025 filed by the petitioner herein is allowed, subject to condition that petitioner/defendant shall pay cost of Rs.5,000/- (Rupees Five thousand only) to the respondent/plaintiff by the next date of hearing before the Trial Court.
- d) it is also made clear that the petitioner cannot claim this order as a precedent in other two matters.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE