



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 24083 OF 2025 (GM-CPC)

BETWEEN:

MRS. SINDHU BHASKAR,
W/O. MR. BHASKAR,
AGED ABOUT 48 YEARS,
NO.21, 15th A CROSS,
BENDRENAGAR, UTTARAHALLI
MAIN ROAD, BANASHANKARI 2ND STAGE,
BANGALORE - 560 070.

...PETITIONER

(BY SRI. RAJKUMAR R., ADVOCATE)

AND:

MR. KUMAR K,
AGED ABOUT 60 YEARS,
S/O. MR. T. KRISHNAPPA NAIDU,
RESIDENT OF NO.4036,
28TH CROSS, 18TH MAIN,
BSK 2ND STAGE,
BENGALURU -560 070.

...RESPONDENT

(BY SRI.M.D.RAGHUNATH, ADVOCATE FOR C/R)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DATED 19.07.2025 PASSED ON IA NO.2/2025 IN OS NO.
26384/2024 BY THE HONBLE LXXII ADDL CITY CIVIL AND

Digitally signed by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



SESSIONS JUDGE AT MAYO HALL BENGALURU (CCH-73) VIDE ANNEXURE - A AND ALLOW THE APPLICATION AND ETC.,

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

In this writ petition, the petitioner called in question order dated 19.07.2025 passed by LXXII Additional City Civil and Sessions Judge, Bengaluru (for short 'Trial Court'), in O.S.No.26384/2024 on I.A.No.2/2025 filed by the petitioner/defendant under Order 8 Rule 1 r/w Section 151 of CPC, whereby the said application seeking permission to file written statement has been dismissed by the Trial Court.

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

3. The plaintiff has filed a suit in O.S.No.26384/2024 for ejectment before the trial Court.



The service of suit summons upon the defendant was held to be sufficient on 28.01.2025 as the notice issued to the petitioner/defendant was returned with postal shara as 'unclaimed'. Hence, he was placed ex-parte on 28.01.2025. Thereafter, matter has been posted for plaintiff's evidence by order dated 21.02.2025. On 19.03.2025, the petitioner's counsel filed vakalath and the Trial Court directed the written statement to be filed by 11.04.2025. On 28.04.2025, the petitioner's application filed under Section 148 of CPC for extension of time to file the written statement was allowed by imposing a cost of Rs.300/-, thereby permitting the petitioner to file the written statement on or before 03.06.2025. Even on 03.06.2025, the petitioner failed to file the written statement. Hence, the matter was posted for plaintiff's evidence. On 24.06.2025, the defendant filed an application i.e., I.A. No. 2/2025 under Order VIII Rule 1 read with Section 151 of CPC along with the written statement. By impugned order, the said application has



been dismissed by the Trial Court, for the reason that, in spite of giving sufficient opportunity, the defendant had not filed a written statement. Being aggrieved by the same, the petitioner/defendant is before this Court.

4. In the interest of justice and in order to give one more opportunity, as a last chance, this Court is of the opinion that by imposing costs on the petitioner/defendant, the writ petition may be allowed.

5. Accordingly, the following order is passed:

ORDER

- a) The writ petition is allowed.
- b) The impugned order 19.07.2025 passed by the Trial Court in O.S.No.26384/2024 on I.A.No.2/2025 is set aside.
- c) The written statement filed by the defendant is taken on record, subject to the condition that the petitioner/defendant shall pay Rs.50,000/- (Rupees Fifty thousand only) to the plaintiff on the next date of hearing.



- d) It is made clear that the petitioner has to co-operate for early disposal without seeking any further adjournment.

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

PSJ / List No.: 1 SI No.: 2