



CNR: KAHC010529072026

NC: 2026:KHC:42513
WP No. 24166 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO.24166 OF 2026 (GM-CPC)

BETWEEN:

SMT. UMA SHIVA PRASAD,
W/O SRI. N. SHIVAPRASAD,
AGED ABOUT 58 YEARS,
R/AT NO.415, 6TH A MAIN,
HRBR LAYOUT, KALYANA NAGAR,
BENGALURU - 560 043

...PETITIONER

(BY SRI. GIREESHA R J, ADVOCATE)

AND:

1. SMT. VENKATAMMA,
SINCE DEAD BY HER LR'S

SMT. MUNIRATHNAMMA,
W/O LATE KRISHNAPPA,
AGED ABOUT 62 YEARS,
R/AT 25, AJJAGONDANAHALLI VILLAGE,
HOSAKOTA TALUK,
BENGALURU RURAL DISTRICT - 560 087

2. SMT. VENKATAMMA,
W/O SRI. SHANKARAPPA,
AGED ABOUT 58 YEARS,
R/AT NO.267, BEHIND KENGERI JUNIOR COLLEGE,
MANIKALAPPA GARDEN, KENGERI,
BENGALURU - 560 060



NC: 2026:KHC:42513
WP No. 24166 of 2026

CNR: KAHC010529072026

3. SRI. VENKATESH,
S/O LATE CHIKKAMUNISHAMAPPA,
AGED ABOUT 51 YEARS,
R/AT 25, AJJAGONDANAHALLI VILLAGE,
HOSAKOTA TALUK,
BENGALURU RURAL DISTRICT - 560 087
4. SMT. NELLAVATHI,
W/O LATE KANTHARAJ,
D/O LATE ANJINAPPA @ ANJANAPPA,
AGED ABOUT 49 YEARS,
R/AT NO.396, SORAHUNASE CROSS,
MADHURANGAR 2ND STAGE,
BANGALORE - 560 087
5. SRIRAMA,
S/O LATE ANJINAPPA @ ANJANAPPA,
AGED ABOUT 47 YEARS
6. SRI. RENUKAPRASAD,
S/O LATE ANJINAPPA @ ANJANAPPA,
AGED ABOUT 40 YEARS
7. SMT. PUSHPAVATHI,
D/O LATE ANJINAPPA @ ANJANAPPA,
AGED ABOUT 36 YEARS

RESPONDENT NOS.5 TO 7 ARE
R/AT NO.5, MARAMMA TEMPLE ROAD,
KOTE, KENGERI,
BENGALURU - 560 060

8. SRI. SANJEEVA MURTHY,
S/O LATE MARIYAPPA,
AGED ABOUT 48 YEARS,
9. SRI. JAYARAM,
S/O LATE MARIYAPPA,
AGED ABOUT 41 YEARS,
R/AT NO.477, 7TH MAIN ROAD,



CNR: KAHC010529072026

NC: 2026:KHC:42513
WP No. 24166 of 2026

KALIKAMBA TEMPLE ROAD,
KENGARI UPANAGARA,
BANGALORE - 560 060

10. SMT. LAKSHMAMMA,
W/O LATE PAPANNA,
AGED ABOUT 76 YEARS,
11. SMT. MUNIRATHNAMMA,
W/O SRI. MUNIRAJU,
D/O LATE PAPANNA,
AGED ABOUT 49 YEARS,
12. SMT. RUKMINI
D/O SRI. MUNIRAJU,
AGED ABOUT 33 YEARS,
13. SRI. NAGARAJU,
S/O SRI. MUNIRAJU,
AGED ABOUT 33 YEARS,
14. SRI. KUMAR,
S/O SRI. MUNIRAJU,
AGED ABOUT 30 YEARS

RESPONDENT NOS.8, 10 TO 13
ARE R/AT NO.909,
MANIKALAPPA GARDEN,
BEHIND KENGARI JUNIOR COLLEGE,
KENGARI,
BENGALURU - 560 060.

15. SMT. A.S. NAGARATHNA,
W/O LATE PUTTABUDDI,
AGED ABOUT 69 YEARS
16. SMT. P. SHEELA,
D/O LATE PUTTABUDDI,
AGED ABOUT 50 YEARS,



NC: 2026:KHC:42513
WP No. 24166 of 2026

CNR: KAHC010529072026

17. DR. P. MAHADE KUMAR,
S/O LATE PUTTABUDDI,
AGED ABOUT 47 YEARS,
18. SRI. P. MANJUNATH,
S/O LATE PUTTABUDDI,
AGED ABOUT 44 YEARS

RESPONDENT NOS.15 TO 18 ARE
R/AT NO.1133/A-7,
AMBIKA SERVICE ROAD,
HAMPINAGAR,
NEAR SHARAVATHI,
HOSPITAL, BANGALORE NORTH,
VIJAYANAGAR,
BENGALURU - 560 040.

...RESPONDENTS

(BY SRI. M.G.RAVISHA, ADVOCATE FOR C/R2)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER DATED 07.04.2026 PASSED IN O.S NO.4318/2021 BY THE LEARNED IX ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-5) ON I.A U/O 8 RULE 1 OF CPC PRODUCED AT ANNEXURE-A, AND CONSEQUENTLY ALLOW THE U/O 8 RULE 1 OF CPC FILED BY THE PETITIONER, IN THE ENDS OF JUSTICE AND EQUITY AND ETC

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



CNR: KAHC010529072026

NC: 2026:KHC:42513
WP No. 24166 of 2026

ORAL ORDER

Aggrieved by the orders dated 07.04.2026 passed in O.S.No.4318/2021 by the IX Additional City Civil and Sessions Judge, Bengaluru, wherein the trial court has rejected the application filed by defendant No.12 under Order VIII Rule 1 of CPC and has failed to take the written statement on record.

2. Learned counsel appearing for the petitioner submits that there are two other suits pending with respect to the same schedule property, and that he has filed the written statement and is contesting the same. In the present suit, due to various reasons, including being out of the country, the petitioner not feeling well, and compromise talks underway, the written statement could not be filed in time. It is submitted that, in the substantial interests of justice, the written statement should have been taken on record. The trial court, by the impugned order, rejected the application. While rejecting the application, the court observed that the delay in filing the written statements was not supported by any documents and was not justified by cogent reasons. The court further held that it was not proper to consider the contention of defendant No. 12 at



CNR: KAHC010529072026

**NC: 2026:KHC:42513
WP No. 24166 of 2026**

this stage, and that the delay of nearly 3 years and one month was not properly explained by filing the necessary application. Accordingly, the trial court found no merit in the application and accordingly dismissed the application.

3. Learned counsel for the petitioner has reiterated the same submissions as were made before the trial court and in the application filed in support of the same.

4. Learned counsel appearing for the respondent submits that the I.A. filed in support of the application does not contain any reasons for not prosecuting the matter or for the 3-year delay. The trial court has rightly dismissed the application, and there are no grounds to interfere. It is submitted that it is settled law that such delays, without any valid grounds, cannot be condoned merely for the sake of asking.

5. Having heard the learned counsel on either side, and perused the material on record, this Court observes that, as rightly submitted by the learned counsel for the respondent, the reasons that are stated cannot be the grounds which the court will consider the delay. This Court is more driven by the



CNR: KAHC010529072026

NC: 2026:KHC:42513
WP No. 24166 of 2026

fact that, along with this, there are about three partition suits. In the other two partition suits, both the petitioner and the respondent are parties, and in those suits the petitioner has already filed his written statement. In those circumstances, this Court is of the view that the delay in filing the written statement needs to be considered, and the petitioner should be given an opportunity to file the written statement, however, on condition.

6. Accordingly, this Court is passing the following:

ORDER

- i. The order dated 07.04.2026 passed in O.S.No.4318/2021 by the IX Additional City Civil and Sessions Judge, Bengaluru, is **set aside**.
- ii. Consequently, the I.A filed by the defendant No.12 under Order VII Rule 1 of CPC is **Allowed** on the condition that she shall pay an amount of Rs.45,000/- to the plaintiff.



CNR: KAHC010529072026

NC: 2026:KHC:42513
WP No. 24166 of 2026

- iii. Accordingly, the writ petition is ***Allowed.***
- iv. All I.As in the petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

TS
List No.: 1 Sl No.: 38