



CNR: KAHC010602842026

NC: 2026:KHC:47728
WP No. 27553 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 27553 OF 2026 (GM-CPC)

BETWEEN:

1. MR. ERIC CHRISTOPHER LOBO
S/O LAWRENCE LOBO,
AGED ABOUT 58 YEARS,
R/AT D.NO. 15-13-785, JOS VILLA,
KADRI COCONUT GARDEN,
MANGALURU -575 002
2. THE PRINCIPAL,
ST. ANNS COLLEGE OF NURSING,
ST. ANNS GROUP OF INSTITUTIONS,
SUNDER RAM SHETTY ROAD,
MULKI -574 154

...PETITIONERS

(BY SRI. TRIVIKRAM S.S., ADVOCATE)

AND:

MRS. HELEN CLARET D SOUZA
W/O URBAN FRANCKEY DSOUZA
AGED ABOUT 54 YEARS,
R/AT 12-12A, CHRIS, NEAR GOVERNMENT P.U
COLLEGE, KARNAD, MULKI,
MANGALURU - 574 154

...RESPONDENT

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO DIRECT THE LEARNED
PRINCIPAL SENIOR CIVIL JUDGE AND CJM, AT MANGALURU,
DAKSHINA KANNADA DISTRICT, TO ACCORD AN OPPORTUNITY
OF AUDIENCE AND HEAR THE ARGUMENTS OF THE



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PETITIONERS BEFORE PASSING THE JUDGMENT IN O.S. NO. 243/2023.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed seeking the following prayer:

"PRAYER

WHEREFORE, the Petitioners most humbly pray that this Hon'ble Court may be pleased to:

- a) Issue a writ in the nature of mandamus or any other appropriate writ directing the Learned Principal Senior Civil Judge and CJM, at Mangaluru, Dakshina Kannada District, to accord an opportunity of audience and hear the arguments of the Petitioners before passing the Judgment in O.S.No.243/2023; and/or***
- b) to grant any such other relief/s or order or direction as this Hon'ble Court deems fit under the facts and circumstances of the case to meet the ends of Justice."***

2. The trial court, by order dated 25.08.2026, posted the case for judgment on 03.09.2026 and granted liberty to the defendants to file written arguments on or before 31.08.2026.

3. Learned counsel appearing for the petitioners submits that he has not been given audience and the matter is posted



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for judgment. It is further submitted that if time is granted to the petitioners, they will submit written arguments.

4. Having heard the learned counsel for the petitioner, perused the impugned order. The trial Court records that, on perusal of the order sheet, the defendant has not led any evidence. Only PW.1 was cross-examined. To avoid delay, the defendant's arguments were taken as not heard, and the case was posted for judgment based on the reported judgment in **Noor Mohammed Vs. Jethanand and Another¹**. In the interest of justice and equity, if the defendants are likely to submit their arguments, they are at liberty to file written arguments on or before 31.08.2026 in the office. Hence, the case is posted for judgment, and the matter is directed to be called on 03.09.2026. This Court is not convinced with the argument of the learned counsel for the petitioners. If the written arguments are filed, the trial Court is bound to consider them and however, the Court had granted time till 31.08.2026. Admittedly, the petitioners have not filed the same. Hence, this Court deems it appropriate to pass the following order:

¹ (2013) 5 SCC 202



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ORDER

- i. The petitioners/defendants are directed to file the written arguments by **07.09.2026** and thereafter, the trial Court shall consider the same and pass orders.
- ii. Accordingly, the writ petition is ***disposed of***.
- iii. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

MEG
List No.: 1 Sl No.: 41