



CNR: KAHC010819822025

NC: 2026:KHC:42271-DB
RP No. 572 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

REVIEW PETITION NO. 572 OF 2025

BETWEEN:

SHRI MANISH AGARWAL
ACA,
H.NO.313, DEEP 6TH MAIN II BLOCK,
HRBR LAYOUT KALYAN NAGAR, BANASWADI
BENGALURU - 560 043.

PRESENTLY RESIDING AT:

FLAT G-701, GOLDEN SQUARE CHS,
SUNDER NAGAR, KALINA,
SANTACRUZ (EAST),
MUMBAI - 400098.

...PETITIONER

(BY SRI. BASAVA PRABHU S., SENIOR COUNSEL ALONG WITH
SRI. SAMARTH KASHYAP, ADVOCATE (V/C))

AND:

1. THE COUNCIL OF THE INSTITUTE OF CHARTERED
ACCOUNTANTS OF INDIA,
INDRAPRASTHA MARG,
NEW DELHI - 110002.
REPRESENTED BY DEPUTY SECRETARY.
2. UNION OF INDIA,

Digitally
signed by
RAKSHA
Location: High
Court of
Karnataka



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MINISTRY OF CORPORATE AFFAIRS,
5TH FLOOR, A-WING,
SHASTRI BHAVAN,
NEW DELHI - 110 001.
REPRESENTED BY ITS SECRETARY.

...RESPONDENTS

(BY SRI. S. SRIRANGA, SENIOR COUNSEL FOR
SRI. SUMANA NAGANAND, ADVOCATE FOR R1;
SRI. UNNIKRISHNAN M., CGSC, ADVOCATE FOR R2 (P/H))

THIS REVIEW PETITION IS FILED UNDER SECTION 114
R/W ORDER 47 RULE 1 OF CPC 1908, PRAYING TO REVIEW
AND RECALL THE ORDER DATED 29.07.2025 PASSED IN CIVIL
PETITION NO.53 OF 2014 AT ANNEXURE A. RESTORE CIVIL
PETITION NO.53/2014 TO FILE AND AFFORD THE PETITIONER
AN OPPORTUNITY OF HEARING.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL ORDER

(PER: HON'BLE MR. JUSTICE D K SINGH)

This review petition has been filed only with the limited
ground that the review petitioner/respondent No.1 was not
served with the notice of the petition, which is evident from the
order sheet and office notings regarding service. As the
respondent No.1 had left Bangalore and his whereabouts were



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not known, the petitioner made an application for substituted service by paper publication.

2. This Court, by order dated 03.12.2021, allowed the application for substituted service by publishing notice in two daily newspapers i.e., 'The Hindu', English daily newspaper, Bengaluru edition and 'Prajavani' Kannada Daily Newspaper, Bengaluru edition. As the paper publication was carried out and on the date fixed when nobody put in appearance on behalf of respondent No.1, he was proceeded ex-parte and impugned order came to be passed.

3. It is relevant to mention here that respondent No.1 had already left Bangalore and he was staying in Bombay when the notice was issued and paper publication was made. As the paper publication of notice was made only in the Bangalore edition of 'The Hindu' and 'Prajavani' Daily Newspapers, obviously, respondent No.1 would not have noticed the same, inasmuch as, he was in Bombay and the notice was published only in the local News papers of Bengaluru edition.



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4. Sri. S Sriranga, learned Senior Counsel for Sri. Sumana Naganand, appearing for respondent No.1 has stoutly denied the assertion made by Mr.Basava Prabhu Patil, learned Senior Counsel for review petitioner/respondent No.1 and submitted that when the petition was filed, he was staying in Bangalore and he never intimated shifting of his residence to Bombay as per the rules. Had he intimated shifting of his residence to Bombay, the notice would have been served at Bombay. Respondent No.1 is taking advantage of his own wrong and therefore, this Court should decline to review the order in question.

5. We have considered the submissions. Be that as it may, it is only the question of re-hearing the petition. Admittedly, the petitioner/respondent No.1 was not served with the notice and no one should go unheard when his interests or rights are affected by court proceedings.

6. In view of the aforesaid fact, we are of the view that it is a case for the review of the order, which is an *exparte* and therefore in exercise of our jurisdiction, we review the order



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dated 29.07.2025 passed by this Court in Civil Petition No.53/2014 and restore the petition to its original number.

7. We therefore recall/review the order dated 29.07.2025 passed in Civil Petition No.53/2014 and restore the petition to its original number to be heard finally on **27.08.2026** at **4.00 p.m.**

Accordingly, the review petition is **allowed**. Pending IAs, if any, stand disposed of.

**Sd/-
(D K SINGH)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

MN List No.: 1 Sl No.: 2