HC-KAR
NC: 2026:KHC:64361
CRP No. 88 of 2026
CNR: KAHC010074632026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 88 OF 2026 (SC)

BETWEEN:

SRI G.R.NARASIMHA MURTHY
S/O LATE G.M. RAMAIAH,
MAJOR, 68 YEARS
R/AT NO.5, 5TH D CROSS,
10TH MAIN, 3RD PHASE,
GIRINAGAR,
BENGALURU - 560 085

...PETITIONER

(BY SRI. P.DHANANJAYA, ADVOCATE)

AND:

SRI S.JAYARAMA,
S/O V.K.SRINIVASALU NAIDU,
AGED ABOUT 52 YEARS,
R/AT NO 4,3RD CROSS,
VERABADRA LAYOUT,
GIRINAGAR,
BENGALURU – 560 085

...RESPONDENT

(BY SRI. J.R.MOHAN, ADVOCATE)

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Location: HIGH COURT OF KARNATAKA

THIS CRP FILED UNDER SEC.18 OF THE KARNATAKA SMALL CAUSES COURT ACT, AGAINST THE JUDGMENT AND DECREE DATED 4.11.2025 PASSED IN SC NO.209/2025 ON THE FILE OF XVIII ADDITIONAL JUDGE, AND ACJM, COURT OF

SMALL CAUSES, BENGALURU, DECREEING THE SUIT FOR RECOVERY OF MONEY.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 04.11.2025 passed in S.C.No.209/2025 by the XVIII Additional Judge and ACJM Court of Small Causes, Bengaluru, the petitioner/defendant is before this Court.

2. The trial Court had passed the judgment and decree, whereby it is held that the plaintiff is entitled to recover a sum of Rs.1,33,728/- together with interest at the rate of 6% per annum from the date of the suit till the date of realisation. This CRP is filed on 30.01.2026. Now, based on the memo filed by the petitioner, the matter is listed before this Court.

3. Learned counsel appearing for the petitioner submits that no opportunity was given to him. The judgment and decree is a *ex parte one*, and they have a good case on

merits. If the order is set aside and the matter is remanded back to the trial Court, they will be able to contest the same and adduce evidence. It is submitted that the execution petition has now been filed.

4. Learned counsel appearing for the respondent submits that several opportunities were given to the petitioner herein, and several orders were passed, including one in which the trial Court recalled the order and permitted the petitioner to file a written statement despite the laches on his part. It is submitted that, despite giving several opportunities, the petitioner herein failed to avail the same. Learned counsel further submits that no grounds have been made out to interfere with the judgment and decree passed by the trial Court.

5. Having heard the learned counsel on either side, perused the material on record. It is submitted that the advocate who was pursuing the matter had not informed the petitioner, and as such, he could not appear before the trial Court. Considering the consequences of this order and balancing the interests of both parties by directing the

petitioner to deposit 50% of the entire amount and fixing a timeline, this Court is of the view that the ends of justice would be met. Accordingly, this Court is passing the following:

ORDER

i. The judgment and decree dated 04.11.2025 passed in S.C.No.209/2025 by XVIII Additional Judge and ACJM Court of Small Causes, Bengaluru, is ***set aside*** and the matter is ***remanded back*** to the trial court, on the condition that the petitioner shall deposit 50% of the decretal amount within a period of four weeks.

ii. If the petitioner fails to pay the amount within four weeks, the judgment and decree will be revived automatically.

iii. Having appeared before the Court and having obtained an order from the Court, if the petitioner fails to pay this amount within four weeks, he shall pay Rs.50,000/- towards costs to the respondent.

iv. The amount deposited shall be kept in any Nationalised Bank and the Court shall proceed

with the matter only after the amount is deposited.

v. All I.As. in this petition shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

PKN
List No.: 1 Sl No.: 40
*MR