IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 14305 OF 2024 (GM-CPC)

BETWEEN:

1. SHRI RAM KUNCHR
   S/O SHRI N S KUNCHUR,
   AGED ABOUT 37 YEARS,
   R/A NO 37,
   SHRI GANESH ENCLAVE,
   HARAGADDE,
   BENGALURU 560015

…PETITIONER

(BY SRI. NEGLUR ARAVIND.,ADVOCATE)

AND:

1. NEXSYS CONTROLS PVT LTD
   NO 123, 7TH MAIN, 3RD BLOCK,
   GNANABHARATHI LAYOUT,
   NEAR DUBASHI PALYA LAKE,
   KENGERI SATELLITE TOWN,
   BENGALURU 560059
   REP HEREIN BY ITS CEO
   SHRI CHANDRASHEKAR HIREMATH
   OR MD, SHRI SUNEESH NAIR

2. BOSH LIMITED
   POST BOX NO 3000, HOSUR ROAD,
   ADUGODI BANGALORE 560030
   INDIA,

Digitally signed by DHANALAKSHMI MURTHY
Location: HIGH COURTOF KARNATAKA

REP HEREIN BY ITS BOARD OF DIRECTORS

…RESPONDENTS

(BY SMT.KSHAMA NARGUND, ADVOCATE FOR R1: SMT.JANANI R., FOR SRI B.S.SANDEEP KUMAR, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) SET ASIDE THE ORDER DATED 19/04/2024 PASSED BY THE LXXXIV ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-85), ON IA NO. 11/2024 FILED BY THE PLAINTIFF IN COM. OS NO. 898/2022 WHICH IS AT ANNEXURE-J, CONSEQUENTLY, ALLOW IA NO. 11/2024 WHICH IS AT ANNEXURE-E AND PERMIT THE PETITIONER / PLAINTIFF TO FILE ITS REJOINDER WHICH IS AT ANNEXURE-F, IN COM. OS 898/2022 PENDING ON THE FILES OF LXXXIV ADDL. CITY CIVIL AND SESSIONS JUDGE, BANGALORE (CCH-85).

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed by the plaintiff under Article 227 of the Constitution of India, challenging the order dated 19.04.2024 passed on I.A. No.11/2024 in Com. O.S. No.898/2022 by the LXXXIV Additional City Civil and Sessions Judge, Bengaluru (for short, "the trial court"), whereby the application filed by the plaintiff under Order VIII Rule 9 of the Code of Civil Procedure (for short, "CPC") has been rejected.

2. For the sake of convenience, the parties are referred to as per their ranking before the trial court.

3. The petitioner/plaintiff filed a suit in Com. O.S. No.898/2022 for recovery of money and for a decree of perpetual injunction. Upon service of notice, the defendants appeared and filed their written statement. Thereafter, the plaintiff filed an application invoking the provisions of Order VIII Rule 9 of CPC, seeking permission to file a rejoinder to the written statement filed by the defendants. The said application came to be dismissed. Hence, the plaintiff is before this Court.

4. The trial court, while dismissing the application, assigned the reason that since the defendants have not taken any defence of set-off for counterclaim, the plaintiff's application for permission to file a rejoinder cannot be permitted. In fact, even though the defendants have not taken any defence of set-off for counterclaim in the written statement, the plaintiff can file a rejoinder with

the leave of the Court. This aspect of the matter has not been considered by the trial court. On this short ground, the writ petition deserves to be allowed.

Accordingly, the following order is passed:

(i) The writ petition is allowed.

(ii) The order dated 19.04.2024 passed on I.A. No.11 in Com. O.S. No.898/2022 by the LXXXIV Additional City Civil and Sessions Judge, Bengaluru, is set aside.

(iii) The trial court is directed to reconsider the application filed by the plaintiff under Order VIII Rule 9 of CPC, in accordance with law, as expeditiously as possible, and in any event not later than 30.06.2026.

(iv) The trial court is also directed to dispose of the suit as expeditiously as possible, preferably by the end of 2026, provided there is no order of stay of the said proceedings granted by any court of law.

(v) Both parties are directed to cooperate for the speedy disposal of the suit.

(vi) In view of the disposal of the main matter, all pending applications stand disposed of.

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

CM
List No.: 1 Sl No.: 50