HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 23880 OF 2025 (GM-CPC)

BETWEEN:

MRS. SINDHU BHASKAR
W/O. MR. BHASKAR
AGED ABOUT 48 YEARS
NO. 21, 15 A CROSS
BENDRENAGAR
UTTARAHALLI MAIN ROAD
BANASHANKARI 2ND STAGE
BANGALORE-560 070.

...PETITIONER

(BY SRI. RAJKUMAR R., ADVOCATE)

AND:

MR. MOHAN DAS K
AGED ABOUT 75 YEARS
S/O. LATE K. RAMA
RESIDENT OF NO. 988
13TH MAIN, BANASHANKARI
1ST STAGE, SRINAGAR
BENGALURU-560 050.

...RESPONDENT

(BY SRI. M D RAGHUNATH, ADVOCATE C/R)

Digitally signed by DHANALAKSHMI MURTHY
Location: HIGH COURTOF KARNATAKA

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INIDA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER DATED 19.07.2025 PASSED ON I.A. NO.2/2025 IN O.S.NO.26383/2024 BY THE HAN'BLE LXXII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AT BENGALURU (ANNEXURE-A) AND ALLOW THE APPLICATION AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, 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 defendant under Article 227 of the Constitution of India, challenging the order dated 19.07.2025 passed on I.A. No. 2/2025 in O.S. No. 26383/2024 by the LXXII Additional City Civil and Sessions Judge, Bengaluru (hereinafter referred to as the 'trial court'), whereby the application filed by the defendant under Order VIII Rule 1 read with Section 151 of the Code of Civil Procedure (for short, 'CPC') seeking permission to file the written statement has been dismissed.

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

3. The respondent/plaintiff filed a suit in O.S. No. 26383/2024 for recovery of money. Upon service of summons, the defendant appeared through counsel but

did not file a written statement. When the matter was posted for the plaintiff's evidence, at that stage, the defendant filed I.A. No. 2/2025 seeking permission to file the written statement. The said application came to be dismissed by the trial court.

4. Since the evidence of the parties is not yet concluded, in the interest of justice, this Court is of the opinion that the application deserves to be allowed, subject to payment of costs.

5. Accordingly, the following order is passed:

(i) The writ petition is allowed.

(ii) The order dated 19.07.2025 passed on I.A. No. 2/2025 in O.S. No. 26383/2024 is set aside.

(iii) I.A. No. 2/2025 filed by the petitioner/defendant is allowed, subject to the condition that the petitioner/defendant shall pay

costs of Rs. 5,000/- to the respondent/plaintiff on or before the next date of hearing.

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

CM
LIST NO.: 1 SL NO.: 2