HC-KAR

NC: 2026:KHC:61876
WP No. 31927 of 2026

CNR: KAHC010698472026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 31927 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. G. S. MANASA
AGED ABOUT 35 YEARS,
W/O LATE, PRASANNA KUMAR,
RESIDING AT. KADAMKANAHALLI VILLAGE,
VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT - 562138.

PRESENTLY R/AT. GOWDAGERE VILLAGE,
KASABA HOBLI, MANDYA TALUK,
MANDYA DISTRICT - 571446.

...PETITIONER

(BY SRI. CHANDANA H.B., ADVOCATE)

Digitally signed by VIJAYA P
Location: High Court of Karnataka

AND:

1. SRI. K.P. KANTHARAJU
AGED ABOUT 51 YEARS,
S/O LATE, PUTTANNAYYA
R/AT. KADAMKANAHALLI VILLAGE,
VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT - 562138.

2. SMT. NAGAMMA
AGED ABOUT 60 YEARS,
W/O LATE, ANKEGOWDA K.P.,
R/AT. KADAMKANAHALLI VILLAGE,
VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT -562138

3. SMT. K.P HARINI
AGED ABOUT 38 YEARS,
D/O LATE, ANKEGOWDA K.P
R/AT. KADAMKANAHALLI VILLAGE,
VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT -562138

4. SMT. RASHMI PRIYA
AGED ABOUT 28 YEARS,
W/O LATE, MOHAN KUMAR,
R/AT. KADAMKANAHALLI VILLAGE,
VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT -562138.

5. SRI. ANKEGOWDA P
AGED ABOUT 66 YEARS,
S/O LATE, PUTTANNAYYA
R/ AT. KADAMKANAHALLI VILLAGE,
VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT 562138.

6. SMT. TAYAMMA
AGED ABOUT 64 YEARS,

D/O LATE, PUTTANNAYYA
R/ AT. NUNNURU VILLAGE,
VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT 562138

7. SMT. SUSHILAMMA
AGED ABOUT 62 YEARS,
D/O LATE, PUTTANNAYYA
R/ AT. HAROKOPPA VILLAGE,
VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT-562138

8. SRI. DEVARAJU P.,
AGED ABOUT 60 YEARS,
S/O LATE, PUTTANNAYYA
R/AT. KADAMKANAHALLI VILLAGE,
VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT-562138

9. SRI. PUTTANNA
AGED ABOUT 58 YEARS,
S/O LATE, PUTTANNAYYA
R/ AT. KADAMKANAHALLI VILLAGE,
VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT-562138

10. SMT. PADMA
AGED ABOUT 56 YEARS,
D/O LATE, PUTTANNAYYA
R/ AT. GARAKAHALLI VILLAGE,

VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT 562138

11. SMT. SAROJAMMA
AGED ABOUT 56 YEARS,
D/O LATE, PUTTANNAYYA
R/ AT. KABBALU VILLAGE,
SATANOORU HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT 562126

12. SRI. RAJU K.P.
AGED ABOUT 54 YEARS,
S/O LATE, PUTTANNAYYA
R/AT. KADAMKANAHALLI VILLAGE,
VEERUPAKSHIPURA HOBLI,
CHANNAPATTANA TALUK,
RAMANAGAR DISTRICT - 562138

…RESPONDENTS

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 24.08.2026 ON I.A. NO. 4 FILED BY THE PETITIONER UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 PASSED BY THE ADDITIONAL CIVIL JUDGE AND JMFC, CHANNAPATNA IN O.S. NO.506/2023 PRODUCED AT ANNEXURE-A.

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

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

ORAL ORDER

The present petition is filed impugning the order dated 24.08.2026, whereby the application filed by defendant No.3 seeking extension of time to file the written statement came to be rejected.

2. Learned counsel appearing for the petitioner submits that the petitioner's husband died in an accident and that she was required to take care of their minor child. It is further submitted that, owing to the sudden demise of her husband, the petitioner was neither aware of nor had custody of the documents necessary for filing the written statement within the prescribed period.

2.1 It is submitted that, as the aforesaid reasons were not disputed, the plaintiff had no objection to the acceptance of the written statement filed belatedly. However, the Trial Court, without properly considering the grounds urged in the application, has erroneously rejected the same.

3. Considered the submissions made by learned counsel for the petitioner and perused the material on record.

4. The plaintiff has expressed no objection to the acceptance of the belated written statement. In that view of the matter, issuance of notice to the respondents is dispensed with.

5. The suit is one for declaration. It is submitted that the petitioner has also instituted a suit for partition in respect of the suit schedule properties. This Court, in the case of Shri ***Basavaraj S. v. State of Karnataka***, in ***W.P. No.8032/2026***, has held that the period of 120 days prescribed for filing the written statement is not mandatory and that the same is extendable for reasons to be recorded by the Court.

6. This Court is inclined to permit the petitioner to file the written statement belatedly for the following reasons:

(i) The plaintiff has expressed no objection to the acceptance of the belated written statement.

(ii) The affidavit accompanying the application explains the reasons for the delay. The fact that the petitioner's

husband died in a road traffic accident is not in dispute. Equally, the fact that the petitioner is required to take care of her minor child is not disputed.

(iii) The submission that the petitioner was not conversant with the affairs relating to the suit properties, was not in immediate possession of the necessary documents and was consequently delayed in furnishing the relevant particulars cannot be disbelieved, particularly in the backdrop of the untimely demise of her husband.

7. In the circumstances, this Court is of the view that the petitioner has made out sufficient and acceptable grounds for permitting her to file the written statement belatedly.

8. Accordingly, the following:

O R D E R

I. The writ petition is ***allowed***.

II. The impugned order dated 24.08.2026 is hereby ***set aside***.

III. I.A. No.4 is hereby ***allowed***.

IV. The petitioner is permitted to file her written statement.

V. The Trial Court shall take the written statement of the petitioner/defendant No.3 on record and proceed further in accordance with law. If the written statement has already been filed, the same shall be taken on record.

SD/-
(K. V. ARAVIND)
JUDGE

DDU
List No.: 1 Sl No.: 8