HC-KAR

NC: 2026:KHC:61069
WP No. 33773 of 2026

CNR: KAHC010742272026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 33773 OF 2026 (GM-CPC)

BETWEEN:

R.B.D.PLOT OWNERS' ASSOCIATION,
HAVING ITS OFFICE AT
RAINBOW DRIVE LAYOUT,
SARJAPUR ROAD,
CARMELARAM POST,
BANGALORE - 560 035,
REPRESENTED BY ITS PRESIDENT,
MRS. DARSHANA MINNOOR.
REGISTERED UNDER KARNATAKA
SOCIETY REGISTRATION ACT, 1960.

...PETITIONER

(BY SRI. ABHINAY.S., ADVOCATE)

AND:

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

1. M/S. FERNS BUILDERS AND DEVELOPERS,
   A PARTNERSHIP FIRM
   REGISTERED UNDER
   THE PARTNERSHIP ACT,
   HAVING ITS OFFICE AT
   NO.682, "TIARA", 9TH A MAIN,
   BINNAMANGALA,
   INDIRANAGAR I STAGE,
   BANGALORE - 560 038,

   REPRESENTED BY ITS
   MANAGING PARTNER,
   MR. AUSTIN ROACH.

2. AUSTIN ROACH,
MANAGING PARTNER OF
FERNS BUILDERS AND DEVELOPERS,
SON OF LATE P.A. ROACH,
AGED ABOUT 63 YEARS,
RESIDING AT NO.1212, 100 FT ROAD,
HAL 2ND STAGE,
BENGALURU - 560 008.

ALSO AT 'FERNS ICON',
1ST FLOOR, MARATHAHALLI
OUTER RING ROAD,
DODDANEKUNDI,
BENGALURU - 560 037.

…RESPONDENTS

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) CALL FOR ENTIRE RECORDS AND PROCEEDINGS IN O.S. NO.6018/2025 ON THE FILE OF THE XXVI ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU AND ETC.,

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

This petition impugns the order dated 01.10.2026 passed by the Trial Court, whereby the defendants were permitted to file their written statements belatedly, without recording any reasons for condoning the delay and without considering the objections raised by the plaintiff.

2. Learned counsel appearing for the petitioner submits that the Trial Court was required to consider the objections filed to the application seeking permission to file the written statements belatedly. It is submitted that, since the order of the Trial Court is amenable to judicial review, the Trial Court ought to have assigned reasons for granting extension of time. It is further submitted that the Trial Court ought to have recorded reasons for accepting the explanation furnished in the application seeking permission to file the written statements beyond the prescribed period.

2.1 It is submitted that, even if the application were to be allowed subject to payment of costs, the costs imposed by the Trial Court are not proportionate to the inconvenience caused to the petitioner.

2.2 Learned counsel further submits that, in view of the judgment of the Co-ordinate Bench of this Court in ***W.P. No.8032/2026 c/w W.P. No.9372/2026***, decided on ***28.07.2026***, extension of time beyond 120 days is permissible only for reasons to be recorded. It is therefore submitted that

the impugned order cannot be sustained, as it is contrary to the law laid down by this Court in the aforesaid judgment.

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

4. The suit is one for permanent declaration and injunction. The Trial Court has granted sufficient opportunity to the defendants to file their written statements. The application, which is the subject matter of the impugned order, has been filed seeking extension of time to file their written statements. The grounds urged therein are that the documents required for filing the written statements were not readily available and that sufficient time was consumed in procuring such documents from the competent authorities.

5. There cannot be any quarrel with the contention urged by learned counsel for the petitioner. The Co-ordinate Bench of this Court, in ***W.P. No.8032/2026 c/w W.P. No.9372/2026***, has categorically held that extension of time for filing the written statement beyond 120 days is subject to

the Court recording reasons for such extension. The impugned order falls short of recording such reasons. The delay in filing the written statements is around 352 days.

6. The aforesaid judgment has held that the period of 120 days is not mandatory and that the same can be extended, subject to the Court recording reasons. Permitting the defendants to file their belated written statements would enable them to put forth their defence and would also facilitate an effective and complete adjudication of the dispute between the parties. However, the application does not disclose any specific reason which prevented the defendants from filing their written statements within the prescribed period of 120 days.

7. Be that as it may, this Court is not inclined to set aside the impugned order solely on the ground that adequate reasons have not been recorded. Having regard to the explanation furnished, the purpose underlying the filing of written statements, and the consequences of permitting the same in facilitating complete adjudication of the suit, this Court finds no error warranting interference with the order permitting the defendants to file their written statements belatedly.

8. However, the belated filing of the written statements has caused some prejudice to the petitioner, which requires to be adequately compensated. The costs of Rs.1,500/- imposed by the Trial Court are not adequate. This Court has consistently permitted belated filing of written statements, to a limited extent, subject to payment of costs of not less than Rs.25,000/-.

9. In that view of the matter, the costs imposed by the Trial Court are enhanced from Rs.1,500/- to Rs.25,000/-. The order permitting the defendants to file their written statements belatedly shall, however, remain undisturbed.

Accordingly, the petition stands ***disposed of***.

Sd/-
(K. V. ARAVIND)
JUDGE

SJK
List No.: 1 Sl No.: 26