HC-KAR

NC: 2026:KHC:61500
WP No. 33837 of 2026

CNR: KAHC010748862026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 33837 OF 2026 (GM-CPC)

BETWEEN:

1. SRI C B LOKESH,
   S/O LATE BEEREGOWDA,
   AGED ABOUT 46 YEARS,
   R/AT CHIKKAKOPPALU VILLAGE,
   CHUNCHAKATTEHOBLI,
   K.R. NAGAR TALUK,
   MYSURU DISTRICT.

...PETITIONER

(BY SRI. JAGADEESH H. T., ADVOCATE)

AND:

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

1. SMT. PUTTAMMA,
   W/O LATE SIDDAIAH,
   AGED ABOUT 72 YEARS,
   R/AT NO.138, SRIRAMAPURA,
   MYSURU-57008.

2. SRI, KRISHNA,
   S/O SEENASHETTY,
   AGED ABOUT 42 YEARS,
   R/AT NO.58, 4TH MAIN ROAD,
   EWS LAYOUT, NEAR TELEPHONE,
   EXCHANGE, KATHRIGUPPE,
   EAST BANASHANKARI, 3RD STAGE,
   BENGALURU-560085.

...RESPONDENTS

(BY SRI. PAVANKUMAR K. S., ADVOCATE)

CNR: KAHC010748862026

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE ORDER PASSED BY THE HON'BLE ADDL. SENIOR CIVIL JUDGE AND JMFC MADDUR, DISMISSING I A NO.2 NOT TAKING THE WRITTEN STATEMENT OF DEFENDANT NO.2 ON RECORDS IN OS NO.421/2024 ON 26.09.2026, VIDE ANNX-E.

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 26.09.2026, whereby I.A. No. II, filed under Section 151 of the CPC seeking condonation of delay and permission to accept the written statement filed belatedly, has been rejected.

2. Learned counsel appearing for the petitioner submits that the written statement could not be filed within the prescribed period as the petitioner was suffering from multiple ailments and the necessary documents required for preparing and filing the written statement had not been made available to the counsel. It is submitted that denial of an opportunity to file the

written statement would deprive the petitioner of the opportunity to put forth a valid defence in the suit.

2.1 It is further submitted that the requirement of filing the written statement within 120 days is directory in nature and, subject to the conditions prescribed in law, the Court is empowered to permit its belated filing. It is contended that the Trial Court, without properly appreciating the reasons assigned for the delay in filing the written statement, has erroneously rejected the application.

3. Per contra, learned counsel appearing for the respondents submits that there is no material on record to establish that the petitioner was suffering from any ailment for a continuous period of more than two years. It is further submitted that the delay in filing the written statement cannot be condoned in the absence of sufficient and valid grounds justifying such delay.

4. Considered the submissions made by learned counsel for the parties and perused the materials on record.

5. The suit is one for injunction. It is evident from the record that the petitioner entered appearance on 31.05.2024. However, the application seeking permission to file the written statement was filed only on 14.07.2026.

6. In order to appreciate the reasons assigned for not filing the written statement within the prescribed period of 120 days, this Court has perused the affidavit accompanying the application. The affidavit merely states that, during the relevant period, the petitioner was not keeping well and, consequently, could not furnish the necessary documents to the counsel for preparing and filing the written statement. Except for the said assertion, no material is placed on record to establish any compelling circumstances that prevented the petitioner from filing the written statement for a period exceeding 774 days.

7. No doubt, this Court, in the case of ***Sri. Basavaraj S. v. State of Karnataka [W.P. No.8032/2026, decided on 28.07.2026]***, has held that the requirement of filing the written statement within 120 days is not mandatory and that the period may be extended for reasons to be recorded and

subject to such conditions as may be imposed. However, such discretion can be exercised only where acceptable grounds are made out for permitting the belated filing of the written statement.

8. In the absence of any acceptable grounds justifying the failure to file the written statement for a period exceeding two years, this Court finds no error or infirmity in the impugned order warranting interference.

Accordingly, the petition is ***rejected***.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS
List No.: 2 Sl No.: 11