HC-KAR

NC: 2026:KHC:62423
WP No. 34318 of 2026

CNR: KAHC010755792026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 11TH DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 34318 OF 2026 (GM-CPC)

BETWEEN:

1. SMT. M. MAHESHWARI
   W/O. SRI. S.M. DHARMALIGAM,
   AGED ABOUT 46 YEARS,
   R/AT NO.20, 1ST MAIN ROAD,
   1ST CROSS, OM SHANTI TEMPLE ROAD,
   BEHIND KRISHNA BHAVANA SWEETS,
   BENGALURU 560094.

...PETITIONER

(BY SRI. PRADEEP H.S., ADVOCATE)

AND:

Digitally signed by VIJAYA P
Location: High Court of Karnataka

1. M. MAYILI @ VELU MAYILI
   W/O S. VELU,
   AGED ABOUT 46 YEARS,
   R/AT NO.7/1A, BASAVESHWARA LAYOUT,
   R.M.V II STAGE, NAGASHETTIHALLI,
   BENGALURU 560 094.

...RESPONDENT

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 28.09.2026 PASSED BY THE XXXI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU (CCH 14) ON IA NOS. 2, 3 AND 4 IN OS NO. 6642/2025 (ANNEXURE A) 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

The present petition impugns the order dated 28.09.2026 passed in O.S. No.6642/2025, whereby the defendant was permitted to file the written statement beyond the prescribed period of limitation, with a delay of 155 days.

2. Learned counsel appearing for the petitioner submits that the application seeking permission to file the written statement was filed when the suit had reached the stage of final arguments. It is submitted that, in the absence of a written statement, the Trial Court proceeded to record the plaintiff's evidence and thereafter posted the matter for final arguments.

2.1 It is further submitted that the application seeking permission to file the written statement belatedly was filed with the sole intention of delaying the disposal of the suit. The grounds urged to explain the delay are not supported by any evidence. It is contended that the Trial Court has committed an

error in failing to appreciate that the reasons assigned for the delay are unjustifiable.

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

4. The suit for ejection was instituted on 17.09.2025. The defendant entered appearance for the first time on 18.11.2025. The application seeking permission to file the written statement was filed on 23.07.2026, with a delay of 155 days, which was sought to be explained on the ground of the defendant's medical condition. However, the material placed on record is insufficient to satisfactorily explain the delay.

5. 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 period of 120 days prescribed for filing the written statement is not mandatory and that the delay can be condoned for reasons to be recorded by the Court, subject to appropriate conditions.

6. The Trial Court, having regard to the necessity of providing an opportunity to the defendant to raise a valid

defence and to avoid a possible miscarriage of justice, permitted the defendant to file the written statement, subject to payment of costs of Rs.2,000/-. This Court finds no reason to interfere with the discretionary order passed by the Trial Court.

7. However, the costs imposed are not commensurate with the hardship caused to the petitioner. The suit had already reached the stage of pronouncement of the Judgment, when the application seeking permission to file the written statement was filed. Consequently, the suit has now been restored to the stage of filing of the written statement, requiring the petitioner to conduct the proceedings afresh, thereby causing financial and other hardship.

8. In the circumstances, this Court is inclined to interfere with the impugned order to the limited extent of modifying the costs imposed by the Trial Court. Accordingly, the costs of Rs.2,000/- imposed by the Trial Court are enhanced to Rs.15,000/-, payable to the petitioner on the next date of hearing before the Trial Court.

In view of the above, the writ petition stands ***disposed of***.

SD/-
(K. V. ARAVIND)
JUDGE

VP
List No.: 1 Sl No.: 18