HC-KAR

NC: 2026:KHC:21795
WP No. 35477 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF APRIL, 2026

BEFORE

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

WRIT PETITION NO. 35477 OF 2025 (GM-CPC)

BETWEEN:

SRI. VIJAY KUMAR S
S/O LATE SIDDAGANGAPPA
AGED ABOUT 43 YEARS,
R/AT NEAR GOVERNMENT SCHOOL
DARGAJOGIHALLI VILLAGE,
KASABA HOBLI,
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT-561 203

...PETITIONER

(BY SRI. VENKATESH S ARBATTI, ADVOCATE FOR
SRI. K S HARISH., ADVOCATE)

Digitally signed by DHANALAKSHMI MURTHY
Location: HIGH COURTOF KARNATAKA

AND:

SRI MUNIRAJU
(SINCE DEAD REPRESENTED BY HIS LRS,
RESPONDENT NOS.1 AND 2)

1. SRI. VISHWANATH
S/O MUNIRAJU
AGED ABOUT 39 YEARS

2. SMT. YASHODHA,
D/O MUNIRAJU
AGED ABOUT 28 YEARS,

BOTH R/AT NO.30
THAMMENAHALLI VILLAGE,
ELIYURU POST,
DEVANAHALLI TALUK,
BANGALORE RURAL DISTRICT-562110

SMT. AKKAYAMMA
(SINCE DEAD REPRESENTED BY HER LR
RESPONDENT NO.3)

3. SRI. MANJUNATHA
S/O CHINAPPA
AND AKKAYAMMA
AGED ABOUT 45 YEARS
R/AT NO.2253,
WARD NO.29, KACHERIPALYA,
DODDABALLAPURA-561203

4. SMT. AMMAIAH,
W/O SRI. RAMESH H.S
AGED ABOUT 52 YEARS
R/AT NO.268,
OLURU VILLAGE,
KOLAR TALUK AND DISTRICT-563126

5. SRI. GANESH
S/O LATE SRI GUNDAPPA
AGED ABOUT 49 YEARS
R/AT NO.2501,
SAVEEAKANNAMMA TEMPLE ROAD,
KACHERIPALYA,
DODDABALLAPURA-561203

6. SMT. MAHADEVI
D/O LATE GUNDAPPA
AGED ABOUT 48 YEARS
R/AT NO.2172, WARD NO.29
KACHERIPALYA,
DODDABALLAPURA-561203

SRI VENKATESH (DEAD)

NO LRS

7. SRI. RAMU
S/O LATE GUNDAPPA
AGED ABOUT 29 YEARS
R/AT NO.2172, WARD NO.29
KACHERIPALYA,
DODDABALLAPURA – 561203

8. SRI. LAKSHMANA
S/O LATE GUNDAPPA
AGED ABOUT 29 YEARS
RESIDING AT NO.2253,
WARD NO.29, KACHERIPALYA,
DODDABALLAPURA – 561203

9. SMT. ANUSUYAMMA.
W/O LATE SRI MOTAPPA
AGED ABOUT 50 YEARS
R/AT OPP. TO SIRA POLICE
STATION, JAIPURA,
TUMKUR DISTRICT

10. SRI. MANJUNATHA,
S/O LATE SRI MOTAPPA,
AGED ABOUT 37 YEARS
R/AT 29TH WARD,
KACHERIPALYA,
DODDABALLAPURA

11. SRI. MUNIRAJU,
S/O LATE SRI GUNDAPPA,
AGED ABOUT 59 YEARS
R/AT NO 56, A.K COLONY,
JAYMAHAL EXTENTION,
BANGALORE-560006.

12. SMT. PILLA GANAMMA,
W/O LATE SRI DODDAMUNISHAMIAH,
AGED ABOUT 83 YEARS

13. SRI. GOVINDAPPA
S/O LATE SRI DODDAMUNISHAMIAH,
AGED ABOUT 63 YEARS

14. SRI. NARSIMHAMURTHY
S/O LATE SRI DODDAMUNISHAMIAH,
AGED ABOUT 60 YEARS

15. SRI. MUNIRAJU
S/O OF LATE SRI DODDAMUNISHAMIAH,
AGED ABOUT 60 YEARS

16. SRI. DEVARAJA
S/O OF LATE SRI DODDAMUNISHAMIAH,
AGED ABOUT 60 YEARS

R12 TO R16 ARE
R/AT 29TH WARD,
KACHERIPALYA
DODDABALLAPURA-563126

17. SMT. NAGAMANI
W/O SRI RAVINDRA
AGED ABOUT 63 YEARS
R/AT NO.33, NGEF
LAYOUT, SANJAYANAGAR,
BANGALORE

18. SMT. VIJAYA
W/O VISHWANATH. K
AGED ABOUT 54 YEARS
R/AT NO.18TH CROSS,
1ST MAIN ROAD,
HEBBAL, BANGALORE-560024

19. SMT. PARIJATHA
W/O PRAKASH K
AGED ABOUT 52 YEARS
R/AT 18TH CROSS,
1ST MAIN ROAD, HEBBAL,
BANGALORE-560024

20. SRI. SHIVASHANKAR
S/O SRI. B KRISHNAPPA
AGED ABOUT 68 YEARS
R/AT SHIVASHRI NILAYA,
NO.17/72, AYYAPPA TEMPLE ROAD,
SHABRINAGARA BYTARAYANAPURA,
BANGALORE-560092

21. SMT. MUNIRATHNAMMA.N
D/O LATE SRI NARYANAPPA
AGED ABOUT 57 YEARS

22. SRI. JAGADEESH.N
S/O LATE SRI NARYANAPPA
AGED ABOUT 54 YEARS

23. SMT. SHOBHA
D/O LATE SRI NARYANAPPA
AGED ABOUT 44 YEARS

24. SRI. SAMPATH N
S/O LATE SRI NARYANAPPA
AGED ABOUT 47 YEARS

25. SRI. SURESH.N
S/O LATE SRI NARYANAPPA
AGED ABOUT 44 YEARS

26. SRI. SATISH.N
S/O LATE SRI NARYANAPPA
AGED ABOUT 42 YEARS

27. SMT. PARVATHI.N
D/O LATE SRI NARYANAPPA
AGED ABOUT 40 YEARS

R21 TO R27 ARE
R/AT WARD NO.29
KACHERIPALYA,
DODDABALLAPURA

28. SRI K.T. KRISHNAPPA
S/O LATE SRI THIMMA HANUMAIAH
AGED ABOUT 54 YEARS
R/AT KAMANA AGRAHARA VILLAGE,
KOLIGERE POST,
DODDABELEHONGALA HOBLI,
DODDABALLAPURA TALUK

29. SRI. NAGESH
S/O KRISHNAPPAARGA
AGED ABOUT 49 YEARS
R/AT DARGA JOGAHALLI,
MAIN ROAD, 23RD CROSS,
DARGAJOGIHALLI, NEW LAYOUT,
KASABA HOBLI, SHANTHINAGARA,
DODDABALLAPURA TOWN

30. SRI. NARAYANASWAMY
S/O LATE CHICKMANGAIAH
AGED ABOUT 56 YEARS

31. SRI. ASHWATHANARAYANA
S/O LATE CHICKMANGAIAH
AGED ABOUT 54 YEARS

32. SRI NAGARAJA
S/O LATE CHICKMANGAIAH
AGED ABOUT 50 YEARS

33. SRI GUNDAPPA
S/O LATE CHICKMANGAIAH
AGED ABOUT 48 YEARS

34. SRI MANJUNATHA
S/O LATE CHICKMANGAIAH
AGED ABOUT 46 YEARS

35. SRI SRINIVAS MURTHY
S/O LATE CHICKMANGAIAH
AGED ABOUT 54 YEARS

36. SMT MANJULA
D/O OF LATE SANJEEVAPPA
AGED ABOUT 47 YEARS

37. SMT SHYAMALA
D/O LATE SANJEEVAPPA
AGED ABOUT 45 YEARS

38. SMT SHANTHI
D/O LATE SANJEEVAPPA
AGED ABOUT 43 YEARS

39. SMT LAKSHMI
D/O LATE SANJEEVAPPA
AGED ABOUT 41 YEARS

40. SRI GOVINDA
S/O LATE SRI SANJEEVAPPA
AGED ABOUT 29 YEARS

41. SMT GANGAMMA
D/O LATE SRI SANJEEVAPPA
AGED ABOUT 37 YEARS

42. SMT SARASWATHI
D/O LATE SANJEEVAPPA
AGED ABOUT 34 YEARS

43. SRI GANGADHARA
S/O LATE SRI SANJEEVAPPA
AGED ABOUT 32 YEARS

R30 TO R43 ARE ALL
R/AT WARD NO.29,
KACHERI PALYA,
DODDABALLAPURA TOWN.

44. SMT K R SHANTHA
W/O SURESH
AGED MAJOR

R/AT NO. 213
SADASHIVNAGAR,
BENGALURU.

…RESPONDENTS

(BY SRI. GURURAJA SHETTY K., ADVOCATE FOR R1 TO R8)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 27.09.2025 PASSED BY THE HON'BLE ADDL. SENIOR CIVIL JUDGE AT DODDABALLAPURA IN OS NO. 146/2025 AT ANNEXURE-A IN DISMISSING THE INTERLOCUTORY APPLICATION FILED BY THE PETITIONER/THIRTY SEVENTH DEFENDANT UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 PRAYING THE HON'BLE TRIAL COURT TO PERMIT HIM TO FILE HIS WRITTEN STATEMENT ON RECORD AND CONTEST THE SUIT ON MERITS BY CONDONING THE DELAY, IF ANY IN FILING THE WRITTEN STATEMENT 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

In this writ petition, the petitioners called in question the order dated 27.09.2025 passed by the Court of Additional Senior Civil Judge, Doddaballapura (for short the 'Trial Court') on the application filed by the petitioner/defendant No.37 under Section 151 of CPC in OS No.146/2015, whereby the said application seeking permission to file the written statement has been rejected.

2. For the sake of convenience, the parties herein are referred to as per their ranking before the Trial Court.

3. The plaintiff has filed a suit for declaration. Summons has been served to the petitioner in the year 2015. After lapse of more than 10 years, the application seeking permission to file the written statement has been filed. Since there is a delay and the delay is not properly explained, the Trial Court has rejected the said application.

4. Learned counsel appearing for the petitioner submits that, the petitioner's father was suffering from cancer. Petitioner was unable to instruct the counsel to file a written statement.

5. Be that as it may, even in the year 2024, the service of summons to the other defendants had not been completed. The application has been filed in 2025, however, even in 2024, the service was not yet completed. Now, the matter is posted for evidence. Considering this aspect of the matter and also in the

interest of justice, this Court is of the opinion that, by imposing cost, the application may be allowed.

5. Accordingly, this writ petition is ***allowed***

(i) Order dated 27.09.2025 is set aside;

(ii) The application filed by the petitioner along with the written statement is allowed and the written statement is directed to be taken on record, subject to the condition that the petitioner has to pay a cost of Rs.25,000/- to the plaintiffs therein, and the same shall be payable by the next date of hearing.

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

PA
List No.: 1 Sl No.: 13