

COMMON ORDERS ON IA NO.4 AND 5

IA No.4 and 5 are filed by the counsel for defendants U/sec. 151 of CPC to receive the W/S after condoning the delay.

Counsel for plaintiff submitted no objection to IA No.4 and 5.

In a decision of the Hon'ble High Court of Karnataka dated 23.03.2026 in WP No.8032/2026 in the case of Basavaraj S Vs. State of Karnataka at para No.8 the Hon'ble High Court of Karnataka held as under:

(i) There shall be an interim stay of the operation and implementation of Section 4 of the Code of Civil Procedure(Karnataka Amendment) Act, 2024 (Act No.40 of 2025), insofar as it introduces the third proviso to Order V Rule 1 of CPC, mandating forfeiture of the right to file written statement beyond 120 days.

(ii) Consequently, the Trial Court shall, pending further orders, exercise discretion in receiving written statement standing beyond 120 days, in accordance with the law laid down by the Hon'ble Supreme Court in Salem Bar Association, Tamil Nadu v. Union of India and other binding precedents.

(iii) It is made clear that such discretion shall be exercised judiciously and for reasons to be recorded in writing.

(iv) In the interregnum, and in order to balance the equities between the parties while safeguarding the right of defence, this Court deems it appropriate to permit the Trial Courts to consider applications, if any, filed by the defendants seeking leave to file written statement beyond the prescribed period. It is clarified that the Trial Court shall examine such requests on their own merits, in accordance with law, and by exercising judicial discretion, keeping

in view the facts and circumstance of each case. However, any written statement so received shall be taken on record subject to the outcome of the present writ petition, and shall abide by the final adjudication rendered herein.

Hence, in view of the above, there is no impediment in allowing the present application. Accordingly in the interest of justice and to avoid multiplicity of proceedings I proceed to pass the following:

ORDER

IA No.4 and 5 filed by the defendants are allowed on cost of Rs.500/- each. **W/S filed by the defendants are taken on record subject to the result of final orders in WP No.8032/2026.**

For compliance U/Sec.89 of CPC.

Call on 02/06/2026.

I ACJ & JMFC., K.R.NAGAR.