



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO.7603 OF 2026 (GM-CPC)

BETWEEN:

1. MR D J BHUVANESH
S/O D.C. JAYASHANKARAIH
AGED ABOUT 69 YEARS
R/A NO. 7TH CROSS
1ST FLOOR, 4TH MAIN ROAD
CHAMARAJPET
BANGALORE - 560018
2. SRI. SUBRAMANI
S/O D.C VIJAYENDRIAH
AGED ABOUT 69 YEARS
R/A NO. 5, D.C.V. TRANSPORT
DISPENSARY ROAD
KALASIPALYAM
BANGALORE - 560002

BOTH THE PETITIONERS 1 AND 2 ARE
REPRESENTED BY GPA HOLDER
SRI. UMA SHANKAR. M
S/O LATE MANOHARA
AGED ABOUT 37 YEARS
RESIDING AT G-13, 1ST CROSS
VEL MURUGAPURAM
DR. T.C.M ROYAN ROAD
BENGALURU - 560053.

...PETITIONERS

(BY SRI. SHIVAKUMAR U., ADVOCATE)





AND:

1. MRS. M. VIJAYAMMA
W/O J. VENKATASWAMY REDDY
AGED ABOUT 55 YEARS
R/A NO.196/A
IN SY NO.6 1ST CROSS
THAVAREKERE
BANGALORE-560081

...RESPONDENT

(BY SRI. M. RAJASHEKARA, ADVOCATE FOR C/R)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 10/02/2026, PASSED IN O.S NO.25829/2024, AS PER ANNEXURE-D PASSED BY THE LEARNED C/C LVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, MAYO HALL, BENGALURU, DISMISSING I.A NO.3 FILED BY THE PETITIONERS UNDER SECTION 151 CPC, SEEKING RECALL OF THE ORDER DATED 18/11/2025, TREATING WRITTEN STATEMENT AS NOT FILED, PRODUCED AT ANNEXURE- D.

THIS PETITION, COMING ON FOR PRELIMINARY HEARINGS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
SS
CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. In this writ petition, the petitioners-defendants have called in question the order dated 09/10.02.2026 passed by the LVII Additional City Civil and Sessions Judge, Bengaluru (hereinafter referred to as the 'Trial Court' for short) on I.A.No.3/2025 under Section 151 of CPC in



O.S.No.25829/2024, vide Annexure-D, whereby the said application to recall the order dated 18.11.2025 and to permit the defendants to file the written statement by condoning the delay has been dismissed.

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

3. The respondent-plaintiff filed O.S. No.25829/2024 for bare injunction. The summons sent through RPAD was not served due to an incorrect address mentioned in the plaint, and substituted service was effected through newspaper publication. The petitioners were placed ex-parte on 22.04.2025. The petitioners came to know about the case on 26.10.2025 when they visited their property at Tavarekere and thereafter filed I.A.No.2/2025 to set aside the ex-parte order, which was allowed on 18.11.2025. However, the written statement was taken as not filed, and copies of the plaint were furnished to the petitioners only on the same day i.e., on 18.11.2025. Thereafter, on



18.12.2025, the petitioners filed I.A.No.3/2025 under Section 151 CPC along with the written statement filed by defendant Nos.1 and 2. The Trial Court, by the impugned order dated 09/10.02.2026, dismissed the application and refused permission to file the written statement. Aggrieved by the said order, the petitioners have filed the present writ petition.

4. Learned counsel appearing for the respondent-plaintiff submits that the respondent-plaintiff has no objection to permitting the petitioners to file the written statement.

5. In view of the above and in the interest of justice, I am of the considered opinion that this writ petition deserves to be allowed, subject to certain conditions.

6. Accordingly, the following order is passed:

ORDER

a) The writ petition is ***allowed***.



b) The order dated 09/10.02.2026 passed by the Trial Court on I.A.No.3/2025 under Section 151 of CPC in O.S.No.25829/2024 vide Annexure-D is set aside.

c) I.A.No.3/2025 filed by petitioners-defendant Nos.1 and 2 is allowed, subject to the condition that defendant Nos.1 and 2 shall each pay cost of Rs.2,500/- to the respondent-plaintiff on the next date of hearing.

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