



NC: 2026:KHC:11849
WP No. 19480 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

WRIT PETITION NO. 19480 OF 2021 (GM-CPC)

BETWEEN:

K.G.GURUSHANKAR
S/O LATE GOVINDAIAH,
AGED ABOUT 54 YEARS,
R/O #50, 3RD CROSS,
VIDYARANYANAGAR,
OLD TOLLGATE, BENGALURU-23.

BUSINESS CENTER
AT 50, HAVANURU COMPLEX,
HAVANURU CIRCLE, MIG, K.H.B.COLONY,
BASAVESHWARANAGARA,
BENGALURU-79.

WORKING AT GOVERNMENT
CENTRAL PRESS CLUB BUILDING,
8TH MAIN, R.V.COLLEGE POST,
MYSORE ROAD, BENGALURU-59.

...PETITIONER

(BY SRI. HALLI.S.B., ADVOCATE)

AND:

K.VENKATESH
S/O KEMPEGOWDA,
AGED ABOUT 65 YEARS,
R/O #5/5, 5TH CROSS, 5TH MAIN,
NEAR BHASHYAM CIRCLE,
RAJAJINAGAR, BENGALURU-10.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED COMMON ORDER PASSED BY THE LEARNED CITY CIVIL AND SESSIONS JUDGE BENGALURU (CCH-19) IN O.S.NO.4663/2016 ON IAs NO.7 AND 8 FILED UNDER ORDER 18 RULES 17 U/S 151 OF CPC DATED 21.10.2021 VIDE ANNEXURE-H.

THIS WRIT PETITION, COMING ON FOR HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL ORDER

1. This Court, had, on 12.01.2026, after hearing the petitioner, passed the following directions:

"1. None appears for the respondent despite service.

2. The present petition seeks to challenge an order dated 21.10.2021 in O.S.No.4663/2016 passed by the learned City Civil and Sessions Judge, Bengaluru (hereinafter referred to as the "Impugned Order"). By the Impugned Order, two applications, (i) I.A.No.7 filed under Order 18 Rule 17 of the CPC to recall the order dated 21.12.2019 and (ii) I.A.No.8 filed under Section 151 of CPC to reopen the case and permit the petitioner/defendant to adduce evidence, have been dismissed.

3. So far as the application under Order 18 Rule 17 of the CPC, the prayer in the said application is to recall the order dated 21.12.2019 to adduce further evidence, while the prayer in the application under Section 151 of CPC is also similar.

4. It is apposite to set out the relevant extract of these applications below:



"I.A.No.7- Order 18 Rule 17 of the Civil Procedure Code, 1908

That for the reasons stated in the accompanying affidavit, the Defendant prays that this Hon'ble Court be pleased to recall the order dated 21.12.19 thereby permit the Defendant to adduce his evidence in the above case, in the interest of justice and equity.

I.A.No.8-Section 151 of the Code of Civil Procedure, 1908

That for the reasons stated in the accompanying affidavit, the Defendant prays that this Hon'ble Court be pleased to reopen the above case thereby permit the defendant to adduce his evidence in the above case, in the interest of justice and equity."

5. As can be seen from the above extract, the applications are similar in nature. The respondent has filed common objections to both these applications.

6. The learned Trial Court has by the Impugned Order found that the sufficient opportunity was already given to the petitioner/defendant and that these applications were filed belatedly. The record however reflects that the order sheet of the learned Trial Court has not been filed before this Court. Let a typed copy of the order sheet be placed on record within ten days."

2. The matter was thereafter listed for hearing on 28.01.2026. There was no presence for the petitioner on the last date. None appears for the petitioner today, despite the matter being called out twice.



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3. This petition is accordingly, ***dismissed in default*** and for ***non-prosecution***. All pending applications stand closed.

(TARA VITASTA GANJU)
JUDGE

BMV*
List No.: 1 Sl No.: 40