

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[MR. ARUN S POOJARI, VS. MRS. AMITHA,]

23.03.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

ORDER ON I.A.Nos.1 & 2 OF 2026

Digitally
signed by
KAVYA G
Location:
High Court
of Karnataka

I.A.No.2/2026 is filed praying for condonation of delay of 22 days in filing I.A.No.1/2026 for recall of the order dated 05.12.2025 passed by this Court.

I.A.No.2/2026 is supported by an affidavit of the advocate himself namely Sri Bhargava B.M. It is stated that the delay of 22 days in filing the recall application occurred due to an inadvertent lapse on the part of his colleague who was entrusted with the responsibility of attending to the office objections and issuance of notice. Due to internal miscommunication and oversight in the office, the application could not be filed within the time. It is noted that the name of the colleague is not mentioned in the affidavit who was

entrusted with the responsibility of issuance of notice and for attending to office objections.

I.A.No.1/2026 seeks recall of the order dated 05.12.2025. This application again is supported by an affidavit of the advocate himself Sri Bhargava B.M. In this affidavit too the same thing is repeated that is default in issuance of notice occurred due to an inadvertent lapse on the part of the Counsel's colleague who was entrusted with the responsibility of effecting service. During the relevant period, the said colleague was handling multiple urgent Court matters and due to an internal miscommunication and oversight in the office, the compliance could not be completed within the stipulated time. The lapse was purely unintentional and not deliberate.

The cause for condonation of delay and recall of the order reflected in the respective affidavits do not inspire confidence. However, given the interest of the appellant, we allow the aforesaid two applications subject to payment of costs of Rs.3,000/-. That shall be deposited within one week from today. If the cost is deposited, learned Counsel shall be permitted to take steps for issuance of notice within one week thereafter. If cost is not deposited, the aforesaid two

applications shall stand rejected without further reference to this Court. Moreover if the steps are not taken after deposit of the costs within one week, the appeal shall stand dismissed without further reference to the Court. The aforesaid amount of costs shall be paid to the respondent on her appearance before the Court.

(JAYANT BANERJI)
JUDGE

(RAJESH RAI K)
JUDGE

KSR
List No.: 1 SI No.: 22