



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

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

WRIT PETITION NO. 36531 OF 2024 (GM-CPC)

BETWEEN:

1. SRI. B.G. NAGARAJ
S/O LATE V. GOVINDASWAMY
AGED ABOUT 61 YEARS
2. SRI. B.G. VENKATESH
S/O LATE V. GOVINDASWAMY
AGED ABOUT 55 YEARS
3. SMT. B.G. PADMAVATHI
D/O LATE V. GOVINDASWAMY
AGED ABOUT 44 YEARS

ALL THE PETITIONERS NO.1 TO 3 ARE
RESIDING AT NO.24, BYRASANDRA
K.R.PURAM HOBLI
BENGALURU EAST TALUK
BENGALURU-560 093

...PETITIONERS

(BY SRI. SUDHINDRA B.S, ADVOCATE)

AND:

1. SMT. KAVITHA H.A
D/O LATE H.C. ANJINAPPA
AGED ABOUT 41 YEARS
RESIDING AT NO.232, MARUTHI KRUPA
HAGADUR, K.R.PURAM HOBLI
BENGALURU EAST TALUK
BENGALURU-560 066

Digitally signed
by
DHANALAKSHMI
MURTHY

Location: HIGH
COURT OF
KARNATAKA



REPRESENTED BY SPA HOLDER
SRI. SUNIL KUMAR M
S/O MUNIRAJU
AGED ABOUT 40 YEARS
RESIDING AT NO.2, J.B.NAGAR
BANASAWADI MAIN ROAD
M.S.NAGAR, BENGALURU-560 033

2. SMT. JAYAMMA
W/O LATE GOVINDASWAMY
AGED ABOUT 77 YEARS
3. SRI. B.G. VASUDEV
S/O LATE V. GOVINDASWAMY
AGED ABOUT 60 YEARS
4. SRI. B.G. RAMESH
S/O LATE V. GOVINDASWAMY
AGED ABOUT 54 YEARS
5. SRI. B.G. VISHNU PRASAD
S/O LATE V. GOVINDASWAMY
AGED ABOUT 46 YEARS
6. SMT. B.G. GIRIJA
D/O LATE V. GOVINDASWAMY
AGED ABOUT 51 YEARS
7. SMT. B.G. MANJULA
D/O LATE V. GOVINDASWAMY
AGED ABOUT 49 YEARS

RESPONDENT NOS.2 TO 7 ARE
RESIDING AT NO.24
BYRASANDRA, K.R.PURAM HOBLI
BENGALURU EAST TALUK
BENGALURU-560 093



8. SMT. S. MAMATHA
D/O SRI. V. SUDHAKARASWAMY
AGED ABOUT 44 YEARS
9. SRI. MAHESH
S/O V. SUDHAKARASWAMY
AGED ABOUT 43 YEARS
10. SRI. MADHUSUDHAN
S/O V. SUDHAKARASWAMY
AGED ABOUT 38 YEARS
11. SMT. RATHNAMMA
W/O V. SUDHAKARASWAMY
AGED ABOUT 66 YEARS

RESPONDENT NOS.8 TO 11 ARE
RESIDING AT NO.24
BYRASANDRA, K.R.PURAM HOBLI
BENGALURU EAST TALUK
BENGALURU-560 093

...RESPONDENTS

(BY SRI. H. RAMACHANDRA, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS IN OS NO. 25816/2016 PENDING ON THE FILE OF HON'BLE LVII ADDL. CITY CIVIL AND SESSIONS JUDGE MAYOHALL UNIT BENGALURU (CCH-58) DATED 11/07/2024 AND SET ASIDE THE ORDER PASSED BY THE HON'BLE LVII ADDL. CITY CIVIL AND SESSIONS JUDGE MAYOHALL UNIT BENGALURU (CCH-58) IN OS NO. 25816/2016 DATED 11/07/2024 AS PER ANNEXURE-A BY ISSUING A WRIT OF CERTIORARI, AND DIRECT THE TRAIL COURT TO PERMIT THE PETITIONERS TO FILE WRITTEN STATEMENT AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD



ORAL ORDER

This writ petition is filed by defendant Nos.7, 8 and 9 under Article 227 of the Constitution of India, challenging the order dated 11.07.2024 passed on I.A. Nos.1 and 2 of 2024 in O.S. No.25816/2016 by the LVII Additional City Civil and Sessions Judge, Mayo Hall Unit, Bengaluru, whereby the applications filed by the petitioners/defendant Nos.7 to 13 under Section 151 of Code of Civil Procedure, seeking permission to file written statement by reopening the stage of the case and condonation of delay were rejected.

2. The respondent No.1/plaintiff filed the suit for declaration and permanent injunction. Upon service of summons, the defendants did not file their written statement. After a lapse of eight years, the said applications were filed seeking permission to file the written statement and to recall the stage of defendants' evidence. The trial court dismissed the said applications.



Being aggrieved by the same, the petitioners are before this Court.

3. Learned counsel appearing for the petitioners submitted that, in respect of other defendants in the very same suit, this Court in W.P. No.1062/2025 has allowed the petition by imposing costs and permitting filing of the written statement.

4. In view of the above and in the interest of justice, so as to afford an opportunity to the parties, the following order is passed:

(i) The writ petition stands disposed of.

(ii) The order dated 11.07.2024 passed on I.A. Nos.1 and 2/2024 in O.S. No.25816/2016 is set aside.

(iii) The written statement filed by the petitioners is taken on record.



(iv) The application for recalling the defendants' evidence is allowed.

(v) The trial court is directed to dispose of the suit as expeditiously as possible, and in any event not later than the end of 2026, provided there is no order of stay of the said proceedings granted by any other court of law and subject to payment of cost of Rs.5,000/- to respondent No.1/plaintiff.

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

CM
List No.: 1 Sl No.: 50