

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[BHARATIYA URBAN PRIVATE LIMITED VS. MR.ANEESH
ATTOOR AND OTHERS]

05.03.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

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

ORAL ORDER ON I.A.No.4/2025

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

Heard the learned counsel for the parties.

I.A. No.4/2025 has been filed seeking to condone the delay of 56 days in preferring the appeal against the ex-parte judgment dated 14.08.2025 passed in Appeal No.(K-REAT) 05/2025 by the Karnataka Real Estate Appellate Tribunal, Bengaluru.

In the affidavit filed in support of the aforesaid I.A., it is stated that the impugned judgment was passed ex-parte without granting an opportunity to the appellant to be heard or represented in the case.

There was no due notice prior to passing of the impugned judgment dated 14.08.2025. The appellant first learnt of the impugned judgment only when an email was sent informing the appellant that there were execution proceedings initiated against the appellant. This communication was by way of an email from the email address of the Chairman of the Appellate Tribunal dated 01.12.2025. Reference has been made to the

Digitally
signed by
KAVYA G
Location:
High Court
of Karnataka

provision of Section 58(1) of the Real Estate (Regulation and Development) Act, which states that the limitation prescribed is a period of 60 days from the date of communication of the decision. It is stated that the communication was received only by means of the aforesaid email of 01.12.2025 and as such, the delay being *bona fide* is required to be condoned. A statement of objection has been filed on behalf of respondent No.2. The attention of the Court has been drawn to the order sheet of the appeal before the Appellate Tribunal that is enclosed as Annexure-R1 to the statement of objection, to contend that service of notice to the respondents was recorded.

We have perused the order sheet submitted along with the statement of objection. By the order of 30.01.2025, pending admission, it was ordered that notice to the respondents on the main appeal be issued returnable by 11.03.2025. Appellant No.2 was directed to pay requisite process fee within two days and she was permitted to serve respondent No.2 by hand and file acknowledgment in the office. The appellant herein was respondent No.1 in the appeal before the Appellate Tribunal.

By the order of 11.03.2025, it was held that inspite of service of notice, respondent Nos.1 and 2 remained absent and therefore, they are placed ex-parte.

Today when the matter is listed, Sri. K.V. Girish, whose name is shown in the cause list as counsel for respondent No.3 is not present. As per the provision of clause (4) of Regulation 9 of the Karnataka Real Estate Appellate Tribunal

Regulations, 2020, the Court Officer of the Tribunal is required to record in the order sheet the details regarding completion of service of notice on the respondents, such as date of issue of notice, date of service, date of return of notice, if un-served, steps taken for issuing fresh notice and date of completion of service. None of the aforesaid formalities are reflected in the order sheet filed on behalf of respondent No.2 in the statement of objection. It does not appear that the appellant was served by email inasmuch as deposit of process fee was directed.

In view of the aforesaid, I.A.No.4/2025 is allowed and the delay is condoned.

List this matter for admission on 17.03.2026.

In case the entire amount adjudicated along with interest etc., is deposited by the appellant before the Recovery Authority within a week, coercive process shall not be adopted against the appellant till the next date of listing.

(JAYANT BANERJI)
JUDGE

(RAJESH RAI K)
JUDGE