



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.38741 OF 2025 (GM-CPC)

BETWEEN:

MR. HANUMANTHAPPA
AGED ABOUT 69 YEARS
S/O LATE CHIKKAHANUMAIHAH
NARANAHALLI VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT – 561 204.

...PETITIONER

(BY SRI. SANTOSH B.M., ADVOCATE)

AND:

1. MRS. JAYAMMA
W/O VEERA CHIKKEGOWDA
AGED ABOUT 54 YEARS
NARANAHALLI VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT – 561 204.
2. MRS. ANASUYA GOWDA
W/O RAVISHANKAR GOWDA
AGED ABOUT 57 YEARS
D/O BYLAMMA
NO.27, 9TH MAIN, 12TH CROSS,
RAJAJINAGAR 1ST BLOCK
BENGALURU – 560 010.
3. MRS. RADHA
D/O BYLAMMA
AGED ABOUT 53 YEARS
NO.27, 9TH MAIN, 12TH CROSS,
RAJAJINAGAR 1ST BLOCK
BENGALURU – 560 010.





4. MR. SRIDHAR GOWDA
S/O LATE BYLAMMA
AGED ABOUT 49 YEARS
NARANAHALLI VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT – 561 204.
5. MR. BYRAHANUMAIAH
S/O LATE CHIKKA HANUMAIAH
AGED ABOUT 56 YEARS
NARANAHALLI VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT – 561 204.
6. MR. RAMAKRISHNAPPA
S/O LATE CHIKKA HANUMAIAH
AGED ABOUT 49 YEARS
NARANAHALLI VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT – 561 204.
7. MRS. D.A. MANJULA
D/O LATE HANUMEGOWDA
AGED ABOUT 41 YEARS
NARANAHALLI VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT – 561 204.
8. MRS. JAYALAKSHMAMMA
D/O LATE CHIKKA HANUMAIAH
W/O RAJAGOPAL
AGED ABOUT 43 YEARS
DODDABELAVANGALA VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT – 561 204.
9. MR. KENCHABYREGOWDA @ C. SRINIVASA
S/O LATE CHIKKA HANUMAIAH
AGED ABOUT 41 YEARS
NARANAHALLI VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT – 561 204.



10. MRS. GANGALAKSHMAMMA
W/O LATE DASEGOWDA
DODDABELAVANGALA VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT – 561 204.
11. MR. D.RAVIKUMAR
D/O LATE DASEGOWDA
AGED ABOUT 55 YEARS
DODDABELAVANGALA VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT – 561 204.
12. MRS. ANNAPURNA
D/O LATE DASEGOWDA
AGED ABOUT 46 YEARS
DODDABELAVANGALA VILLAGE
DODDABELAVANGALA HOBLI
DODDABALLAPURA TALUK
BENGALURU RURAL DISTRICT – 561 204.

...RESPONDENTS

(BY SRI. VIJAYASHEKARA GOWDA, ADV. FOR R-7;
SRI. C. SRINIVAS, PARTY-IN-PERSON CAV/R-9
NOTICE TO R-2 TO R-8, R-10 TO R-12 ARE
D/W ON 13.01.2026)

THIS W.P IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT TO QUASH THE ORDER DATED 29.11.2025 ANNEXURE A PASSED BY THE HON'BLE COURT OF THE 1ST ADDITIONAL SENIOR CIVIL JUDGE AT DODDABALLAPURA IN THE SUIT O.S.NO.548/2014 ON THE I.A. FILED BY DEFENDANT NO.3 / PETITIONER HEREIN UNDER ORDER IX RULE 7 OF CPC AND ETC.

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



CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by defendant No.3 in O.S.No.548/2014 on the file of the Additional Senior Civil Judge, Doddaballapura is directed against the impugned order dated 29.11.2025 whereby the application filed by the petitioner-defendant No.3 under Order IX Rule 7 CPC seeking setting aside of the order placing him *ex-parte* and for permission to file written statement and contest the suit was dismissed by the Trial Court.

2. Heard learned counsel for the petitioner and learned counsel for respondent No.7 and respondent No.9 / party-in-person and perused the material on record. Respondent No.1 – plaintiff having been served with notice of the petition has chosen to remain unrepresented and not contested the petition.

3. A perusal of the material on record will indicate that the 1st respondent-plaintiff instituted the aforesaid suit against the petitioner-defendant No.3 and other defendants for partition and separate possession of his share. In the said suit, while some of the defendants are contesting the suit, the petitioner-defendant



No.3 did not enter appearance and was consequently placed *ex-parte*. Subsequently, the petitioner-defendant No.3 filed the instant application under Order IX Rule 7 CPC, *inter alia* contending that due to bonafide reasons, unavoidable circumstances and sufficient cause, the petitioner could not enter appearance and file written statement and since the petitioner has a good case to urge on merits and a valid defence, it is necessary that the order placing him *ex parte* be set aside and the petitioner be permitted to file written statement and contest the suit on merits. The said application having been opposed by the plaintiff, the Trial Court proceeded to pass the impugned order rejecting the application, aggrieved by which the petitioner is before this Court by way of the present petition.

4. A perusal of the material on record including the impugned order will indicate that the Trial Court has adopted a hyper-technical approach in failing to appreciate and consider that having regard to the valuable proprietary and possessory rights of the parties being involved in the suit, which was one for partition and coupled with the fact that the inability and omission on the part of the petitioner to enter appearance and contest the suit by filing



written statement was due to bona fide reasons, unavoidable circumstances and sufficient cause, consequently, I deem it just and appropriate to adopt a justice-oriented approach and set aside the impugned order and permit the petitioner to file written statement and contest the proceedings by issuing directions to the Trial Court.

5. In the result, I pass the following:

ORDER

- (i) The petition is hereby ***allowed***.
- (ii) The impugned order dated 29.11.2025 passed in O.S.No.548/2014 by the Additional Senior Civil Judge, Doddaballapura is hereby set aside.
- (iii) The application dated 03.11.2025 filed by the petitioner under Order IX Rule 7 CPC stands allowed and the order placing the petitioner *ex parte* is hereby set aside.
- (iv) Petitioner is directed to file written statement without taking any adjournment on 30.04.2026 under any circumstances whatsoever.
- (v) Immediately upon the petitioner filing the written statement as stated supra, the Trial Court shall frame



additional issues, if any, and proceed further and dispose of the suit within a period of six months from 30.04.2026.

(vi) All rival contentions on all aspects of the matter are kept/left open and no opinion is expressed on merits/demerits of the rival contentions.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE