



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD
DATED THIS THE 6TH DAY OF FEBRUARY 2026
BEFORE
THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI
WRIT PETITION NO. 100833 OF 2026 (GM-CPC)

BETWEEN:

ARUNKUMAR S/O KARIBASAPPA K.,
AGE: 38 YEARS, OCC: NILL,
R/O: MADENAHALLI VILLAGE,
TQ: HONALLI, DIST: DAVANAGERI.

...PETITIONER

(BY SRI. AVINASH BANAKAR, ADVOCATE)

AND:

RAJAPPA S/O DODDAJATTEPPA LINGADAHALLI,
AGE: 54 YEARS, OCC: AGRICULTURE,
R/O: MAGOD, TQ: RANEBENNUR,
DIST: HAVERI- 580111,
NOW R/O: MATTI VILLAGE,
TQ & DIST: DAVANAGERI.

...RESPONDENT



THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA IS PRAYING TO, A) ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASH THE IMPUGNED ORDER DATED 08.01.2026 ON IA NO.2 IN O.S.NO.306/2025 PASSED BY THE COURT OF PRL.CIVIL JUDGE AND JMFC, RANEBENNUR VIDE ANNEXURE-C, IN THE INTEREST OF JUSTICE AND EQUITY. B) PASS SUCH OTHER ORDERS OR DIRECTIONS AS THIS HON'BLE COURT DEEMS JUST AND PROPER UNDER THE FACTS AND CIRCUMSTANCES OF THE CASE AND ALLOW THIS WRIT PETITION, IN THE INTEREST OF JUSTICE.

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

CORAM: THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI



ORAL ORDER

The present writ petition is filed aggrieved by the order passed in O.S.No.306/20258 dated 08.01.2026 by the Principal Civil Judge & JMFC, Ranebennur, whereby the trial Court had passed an order observing that the right of the defendant to file the written statement is forfeited.

2. The trial Court had observed that the suit summons was served on 22.08.2025. The period of 120 days is already completed and the right to file the written statement is forfeited. Hence, there are no grounds made out to allow the application.

3. Learned counsel appearing for the petitioner/defendant submits that because of ill health, he could not file the written statement and the delay is only 29 days. The trial Court ought to have taken lenient view and ought to have permitted the petitioner to file the written statement. Earlier, before amendment, there was a discretion vested with the trial Court. By seeking the leave of the Court, the party is permitted to file the written statement.



4. Having heard the learned counsel for the petitioner, perused the material on record. The amended provision of Order VIII Rule 1 of CPC reads as under:

"Provided also that where the defendant fails to file the Written Statement within the said period of thirty days, he shall be allowed to file the Written Statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the Written Statement and the Court shall not allow the Written Statement to be taken on record."

5. This amendment has come into force on 05.06.2025. After the amendment, no discretion is left with the Court to condone the delay. The amended provision makes it clear that the Court shall not allow the written statement to be taken on record. The use of the word "shall" makes it very clear and the Court has no discretion to take the written statement after 120 days. In that view of the matter, this Court does not find any reasons to interfere. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.



NC: 2026:KHC-D:1723
WP No. 100833 of 2026

- ii. All I.As. in this petition shall stand closed.

Sd/-
JUSTICE LALITHA KANNEGANTI

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List No.: 1 Sl No.: 7