



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF JUNE, 2026

BEFORE

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

WRIT PETITION NO.200933 OF 2026 (GM-CPC)

BETWEEN:

1. MOHAMMAD MUNEERUDDIN
S/O ABDUL RAHEEM SAB LANGADE,,
AGED 60 YEARS,OCC: AGRICULTURE
R/O MOMINPURA BATLIWALA,
KALABURAGI CITY-585101.
2. MALLIKARJUN S/O ANTAPPA,
AGED ABOUT 64 YEARS, OCC: AGRICULTURE
R/O MAHADEV NAGAR, LOHAR GALLI,
KALABURAGI CITY-5851012.

...PETITIONERS

(BY SRI SHRAVANKUMAR GADIGAYYA MATH, ADVOCATE)

AND:

1. SMT. SUNITA
D/O ANKUSH (W/O REVANSIDDAPPA)
AGED ABOUT 41 YEARS, OCC: HOUSEWIFE
R/O H. NO.26-K, MAIN ROAD,
NEAR HANUMAN TEMPLE PADASAWALI VILLAGE,
TQ. ALAND, DIST. KALABURAGI-585101.
2. SRI. ANKUSH S/O CHADRASHA
AGED ABOUT 64 YEARS, OCC: BUSINESS
3. SMT. SHOBAVATI W/O ANKUSH
AGED ABOUT 57 YEARS, OCC: HOUSEHOLD





4. SANTOSH S/O ANKUSH
AGED ABOUT 39 YEARS, OCC: BUSINESS
5. SRI. SANJUKUMAR S/O ANKUSH
AGED ABOUT 37 YEARS, OCC: BUSINESS
6. SMT. SUVARNA D/O ANKUSH
AGED ABOUT 35 YEARS, OCC: GOVT. SERVANT

ALL ABOVE RESPONDENT 2 TO 6 ARE
R/O SIRADHONE KURIKOTE
TQ. AND DIST. KALABURAGI.

...RESPONDENTS

(BY SMT. HEMA L. K., ADVOCATE FOR R1;
R2 TO R6 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT IN THE NATURE OF WRIT OF CERTIORARI BY QUASHING THE ORDER PASSED ON I.A NO. V FILED U/SEC 151 OF CPC DATED 27.01.2026 IN OS NO.214/2025 BY THE COURT OF I ADDL. SENIOR CIVIL JUDGE AT KALABURAGI WHICH IS AT ANNEXURE-D CONSEQUENTLY TO ALLOW THE INTERIM APPLICATION NO. 5 BY PERMITTING THE PETITIONERS TO FILE WRITTEN STATEMENT, IN THE INTEREST OF JUSTICE; B) TO GRANT ANY OTHER RELIEF TO WHICH THE PETITIONERS ARE FOUND ENTITLED IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

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 the defendant Nos.6 and 7 in O.S.No. 214 of 2025 on the file of the Senior Civil Judge at Kalaburagi [for short, 'the Trial Court'] is directed against the impugned order dated 27.01.2026 whereby the application filed by the petitioners – defendant Nos.6 and 7 for permission to file written statement was rejected by the Trial Court and as such, petitioners are before this Court by way of the present petition.

2. Learned counsel for respondent No.1-Plaintiff submits, on instructions, that respondent No.1-Plaintiff has no objection for the impugned order to be set aside and the petition being allowed and the petitioners being permitted to file the written statement subject to imposition of exemplary cost on the petitioners.

3. In view of the aforesaid submission made on instruction by the learned counsel appearing on behalf of



respondent No.1-plaintiff, I deem it just and appropriate to adopt a justice oriented approach and in order to provide an opportunity to the petitioners to file their written statement and contest the suit on merits, I am of the considered opinion that the impugned order dated 27.01.2026 passed in O.S.No.214/2025 deserves to be set aside and I.A.No.V filed by the petitioners deserves to be allowed.

4. Insofar as the amendment to Order VIII Rule 1 CPC which prescribes a maximum/outer/upper limit of 120 days (90 + 30 days) vide Amending Act 8 of 2024, with effect from 05.06.2025 is concerned, in the light of the interim order of stay passed by the Co-ordinate Bench of this Court, in W.P.No.8884/2023 dated 23.03.2026, the said amendment will not come in the way of this Court exercising its discretion to permit the written statement to be filed by the petitioners.

5. In the result, I pass the following:



ORDER

- (i) The petition is hereby allowed.
- (ii) The impugned order dated 27.01.2026 passed by the I-Additional Senior Civil Judge, Kalaburagi is hereby set aside and the petitioners are permitted to file the written statement in O.S.No.214/2025 subject to payment of cost of Rs.10,000/- to respondent No.1 - Plaintiff before the Trial Court.
- (iii) The Trial Court is directed to receive the written statement to be filed by the petitioners and proceed further in the matter.

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

SWK
LIST NO.: 1 SL NO.: 25
CT:SI