

(2014) 03 KAR CK 0261

In the Karnataka High Court

Case No : Writ Petition No. 104053/2014 (GM-CPC)

Sangappa

APPELLANT

Vs

Ramchandra Laxman Pujeri and Others

RESPONDENT

Date of Decision : 19-03-2014

Acts Referred:

Citation : (2014) 03 KAR CK 0261

Hon'ble Judges : Aravind Kumar, J

Bench : Single Bench

Advocate : Vinay S. Koujalagi, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Aravind Kumar, J.—Heard learned counsel appearing for the petitioner. Perused the impugned order dated 13.03.2014 whereunder application filed by defendants 2, 3, 6, 8, 9 to 12 seeking permission to file written statement has been rejected. Records would indicate that defendants 2, 3, 6, 8, 9 to 12 had filed an application seeking permission to file written statement by filing I.A. 13 on 05.03.2014, Annexure-B. In the instant case plaintiff came to be examined on 16.01.2013 and 11.06.2013 and cross examination came to be deferred to 26.06.2013. Learned counsel appearing for defendant above referred to requested for time and prayer came to be rejected since these defendants had not filed written statement. Thereafter matter was posted for further evidence which was also taken as closed. Arguments on behalf of plaintiff was heard and arguments of defendants was taken as heard and matter was posted for judgment. At that stage application in question has been filed. Cause shown in the affidavit supporting the said application is not only bereft of material particulars but also lacks merit. No reasonable cause is shown for belated approach and affidavit is vague. Records would indicate that these defendants were represented by their learned counsel and these defendants knew way back on 26.06.2013 itself that request made by them for adjournment having been refused by trial court. However, they did not choose to take steps to get the said

order recalled. At this stage namely when it is posted for Judgment application in question has been filed for filing written statement without assigning any reason whatsoever for belated filing. Trial court by taking note of these factual aspects has rightly dismissed the application. I do not find any merit in this petition. Petition dismissed.

2. Order of dismissal would not come in the way of petitioner raising it as a ground in the appeal if they propose to file in the event of Judgment, and decree, is passed against them. Ordered accordingly.