

IN THE HIGH COURT OF KARNATAKA  
GULBARGA BENCH

DATED THIS THE 29<sup>TH</sup> DAY OF NOVEMBER, 2013

BEFORE

THE HON'BLE MR.JUSTICE RAM MOHAN REDDY

W.P.No.102928/2013 (GM-CPC)

BETWEEN:

T. CHAMRAJ @ CHAMARASA  
S/O T. HALADAYYA SWAMY  
AGED: ABOUT 48 YEARS,  
OCC: AGRICULTURE  
R/O SINDANOOR,  
DIST: RAICHUR – 584 128.

... PETITIONER

(BY SRI SANTOSH H. PATIL &  
SRI G.G. CHAGASHETTI, ADVOCATES)

AND:

TIRUMALA S/O H. YERISWAMY  
AGE: 38 YEARS, OCC: AGRICULTURE  
R/O UMALI HOSUR, TQ. MANAVI,  
DIST: RAICHUR – 584 101.

... RESPONDENT

(BY SRI MAHANTESH PATIL, ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI AND QUASH THE ORDER DATED 07.06.2013 BY THE CIVIL JUDGE (JR.DN.) AT MANAVI PASSED IN O.S. NO.70/2010 PRODUCED AT ANNEXURE-E.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING 'B' GROUP, ON THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

Heard learned counsel for the parties. The grievance of the petitioner – plaintiff is that the respondent – defendant after a delay of 2 years and 10 months filed IA No.5 in OS No.70/2010 for permission to file written statement, which when allowed by order dated 31.5.2013 on payment of cost of Rs.500/-, is called in question in this petition.

2. Learned counsel for the respondent submits that the respondent is willing to pay Rs.3,000/- in addition to what is ordered by the court below as cost, for default in not filing the written statement in time.

3. Regard being had to the fact that the suit is one for declaration and mandatory injunction, it is a hard case and therefore condoning the delay to enable the

respondent to file his written statement on payment of cost of Rs.3,500/-, would meet the ends of justice.

In the result, this petition is ***allowed in part.***

The order dated 31.5.2013 allowing IA No.5 is modified enhancing the cost to Rs.3,500/- and in all other aspects, remains unaltered.

**Sd/-  
JUDGE**

AN/-