



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR JUSTICE H.T. NARENDRA PRASAD

WRIT PETITION NO. 19022 OF 2023 (GM-CPC)

BETWEEN:

SMT. SONIYA RACHEL CHAKO
D/O NE CHACKO
AGED ABOUT 36 YEARS
SUNIL VILLA ARATAPUZHA
CHENGANNUR TALUK AND POST
KERALA 689 123. ...PETITIONER

(BY SRI. B JANARDHANA.,ADVOCATE [ABSENT])

AND:

DR.K. VENKATAGIRI
S/O LATE M B KRISHNA REDDY
NO. 33/2A , HANUMAIYYA COMPLEX
80 FEET RING ROAD
NEAR MALATHALLI BUS STAND
BANGALORE 560 056. ...RESPONDENT

(BY ANN MARRY TOMY, ADVOCATE FOR
SRI. NITIN A M.,ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227
OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH/SET ASIDE THE ORDER ON IA U/O 9 RULE 7 R/W
SECTION 151 IF CPC PASSED BY THE CITY CIVIL COURT,
AT BANGALORE (CCH-76) IN O.S.NO.6978 OF 2022 I.E.,
ANNEXURE-A AN ORDER DATED: 24.07.2023 AND ETC.

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





CORAM: HON'BLE MR JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This writ petition is filed by the defendant under Article 227 of the Constitution of India, challenging the order dated 24.07.2023 passed on IA in O.S.No.6978/2022 by the LXXV Additional City Civil and Sessions Judge, Bengaluru, whereby the application filed by the defendant under Order 9 Rule 7 of CPC was dismissed.

2. None appears for the petitioner.

3. The plaintiff filed a suit for defamation. Even after service of summons, defendant has not appeared. By order dated 05.04.2023, he was placed ex-parte. Thereafter, petitioner/defendant appeared through counsel and filed an application under Order 9 Rule 7 of CPC seeking to set aside the order dated 05.04.2023 and also permit him to contest the case. The same came to be dismissed by the trial court.

4. The trial court has not given any reason for passing the impugned order. The same is passed without application of mind. The impugned order is not a speaking order. The same is liable to be set aside.



5. Accordingly, the following order is passed:

- (i) The writ petition is allowed.
- (ii) The order dated 24.07.2023 passed on IA in O.S.No.6978/2022 by the LXXV Additional City Civil and Sessions Judge, Bengaluru is set aside.
- (iii) The trial court is directed to consider the IA filed by the petitioner/defendant under Order 9 Rule 7 of CPC, in accordance with law.
- (iv) In view of disposal of the petition, all pending applications stand disposed of.

Sd/-
(H.T. NARENDRA PRASAD)
JUDGE

CM
List No.: 1 Sl No.: 53