

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
DATED THIS THE 21ST DAY OF FEBRUARY 2009

BEFORE

THE HON'BLE MR. JUSTICE N.ANANDA

WRIT PETITION NO.4340 OF 2007(GM-CPC)

BETWEEN:

1. SRI K R RAMA MURTHY
S/O K RAMACHANDRAPPA
AGED 53 YEARS
R/AT GROUND FLOOR, NO.40
10TH CROSS, 12TH BLOCK
KUMARA PARK WEST
BANGALORE-20 .. PETITIONER
(By Sri. P KRISHNAPPA, ADVOCATE)

AND

1. SMT RASILA H DOSHI
W/O HARSHAD BAI DOSHI
AGED 55 YEARS
R/AT 12TH BLOCK, 5TH MAIN
KUMARA PARK (WEST)
BANGALORE-20
2. SMT DIVYA VORA W/O BHARATH VORA
AGED 45 YEARS
R/AT RAHUL APARTMENTS
S.V.ROAD, ANDHERI(WEST)
MUMBAI-58 ... RESPONDENTS
(By Sri. PARAS JAIN FOR R1 & 2)

THIS WP FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DT.
13.2.2007 MADE IN O.S.NO.16336/2005 ON THE FILE OF THE
PRINCIPAL CIVIL AND SESSIONS JUDGE AT BANGALORE
(BANGALORE DISTRICT) WHICH IS PRODUCED AS ANNEXURE
D.

This petition, coming on for preliminary hearing B group, this day, the Court, made the following:

ORDER

The trial court has rejected the written statement filed by petitioner (defendant) on the ground that he had failed to pay costs.

2. As could be seen from the copy of the order sheet maintained by the trial court payment of cost was not made a condition for receiving the written statement by the court. If the plaintiff succeeds the cost could be included in the cost of the suit. In view of the above, the impugned order cannot be sustained.

3. Therefore, the petition is accepted. The impugned order is set aside. The trial court is directed to take the written statement on file and proceed with the case in accordance with law.

Sd/-
Judge

cm/-