01

FR. No 8038 / 2026

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
PRESENTATION FORM

WRIT PETITION No. /2026

Serial No. _____ ***Legal Space,*** *Law Firm,* *#T-7, 3rd Floor,* *Jeevan Building,* *Kumarapark East,* *Bengaluru – 560 001* *Email: udayslaw@gmail.com* *Mob: 9590888887/9449762990*	**Bangalore District** **Between** *Shri Basavaraj S* **And** *The State of Karnataka*

Sl. No.	Description of paper presented	Court fee affixed on the paper	
1.	On the Memorandum of Writ Petition under Articles 226 and 227 of the Constitution of India. On Vakalath On I.A No On Process Fee On Copy Application TOTAL.....		

HIGH COURT OF KARNATAKA HCFC 06 MAR 2026 BENGALURU

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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

WRIT PETITION No. /2026

BETWEEN:

Shri Basavaraj S ...Petitioner

AND:

The State of Karnataka ...Respondent

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Place: Bangalore

Date: 06/03/2026

Advocate for Petitioner

(Uday Shankarth)

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

WRIT PETITION No. /2026

BETWEEN:

Shri Basavaraj S ...Petitioner

AND:

The State of Karnataka ...Respondent

SYNOPSIS

DATE	EVENT
26.05.2025	Karnataka Act No.40 of 2025, passed by the respondent.
26.05.2025	Section 4 of the Code of Civil Procedure (Karnataka Amendment) Act, 2024 in so far it introduces third proviso to Order V Rule 1 of the Code of Civil Procedure 1908 (Central Act 5 of 1908), which limits the time limit for filing the written statement as strictly 120 days.
05.06.2025	The Respondent vide notification dated 05.06.2025 in No. Law-LCE/281/2024 has brought the amendment dated 26.05.2025 into force.
Today	The petitioner is aggrieved by the provisio in Karnataka Act No.40 of 2025, which limits the time limit for filing the written statement as strictly 120 days, aggrieved

	by the said notification and left with no other alternative remedy, the Petitioner has preferred the present Writ Petition. Hence, before this court.

BRIEF FACTS

The Petitioner is being aggrieved by the impugned notification passed by the Respondent vide notification No. Law-LCE/281/2024 dated 05.06.2025 as at Annexure-B which brings the Karnataka Act No.40 of 2025, The Code of Civil Procedure (Karnataka Amendment) Act, 2024 into force, the act restricts the time line for filing Written Statement as strictly 120 days is bad in law and unconstitutional, therefore the petitioner left with no other alternative has preferred the present writ petition.

Bengaluru

DATE: 06/03/2026

ADVOCATE FOR PETITIONER

Uday Shankar M

(1)

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

WRIT PETITION NO. /2026

(ORIGINAL JURISDICTION)

BETWEEN:

Shri. Basavaraj S.
S/o. late M. Siddaramaiah,
Aged 61 years,
Senior Advocate & Member,
Karnataka State Bar Council
having office at No. 11,
2nd floor,
Jeevan Buildings,
Kumara Park East,
Bangalore – 560 001. **PETITIONER**

AND:

State of Karnataka
By its Principal Secretary to Government
Department of Parliamentary Affairs
And Legislation,
Room No 137, 1st Floor,
Vidhana Souda
Bengaluru -560001 **RESPONDENT**

MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

The Petitioner abovenamed submits as hereunder:

1. In the present Writ Petition, the petitioner seeking a writ of mandamus from this Hon'ble Court declaring Section 4 of the Code of Civil Procedure (Karnataka Amendment) Act, 2024 in so far it introduces third proviso to Order V Rule 1 of the Code of Civil

Procedure 1908 (Central Act 5 of 1908), as unconstitutional. The impugned proviso reads thus;

> "Provided also that where the defendant fails to file the Written Statement within the said period of thirty days, he shall be allowed to file the Written Statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the Written Statement and the Court shall not allow the Written Statement to be taken on record."

The amendment is produced herewith and marked as **Annexure-A** for the kind perusal of this Hon'ble Court. The Notification No. Law-LCE/281/2024 dated 5:6:2025 bringing the amendment to force is produced herewith marked **Annexure- B.** The petitioner' grievance is with regard to the portion which mandates that "*on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the Written Statement and the Court shall not allow the Written Statement to be taken on record*"

2. The petitioner is an advocate enrolled on the rolls of the Karnataka State Bar Council in the year 1988 with the enrolment number 816/1988. Presently he is a designated senior advocate and also a Member of the Karnataka State Bar Council.

3. It is submitted that though the writ petition is filed in the representative capacity, this is not a Public Interest Litigation since

the petitioner is aggrieved by the impugned provision. He has been, as a Senior Advocate handling many civil litigations representing his clients. The extreme scenario created by the impugned provision has resulted in the petitioner and Advocates on Record not being able to justice to their clients. The petitioner undertakes to file second set if this Hon'ble Court were to treat the present petition as a Public Interest Litigation.

4. In the respectful submission of the petitioner, the impugned provision is manifestly arbitrary and strikes at the very root of dispensation of justice.

5. Though a similar provision exists under the Commercial Courts Act, 2015 and though the Hon'ble Supreme Court has, in *SCG Contracts (India) (P) Ltd. v. K.S. Chamankar Infrastructure (P) Ltd., (2019) 12 SCC 210*, held that filing of written statement under the Commercial Courts Act within 120 days is mandatory and the belated written statement 'must be taken off the record', in the respectful submission of the petitioners, there is a marked distinction between the commercial litigation and the ordinary civil litigation. This will be explained in the following paragraphs.

STATEMENT OF FACTS

6. It is submitted that certain amendments to the Code of Civil Procedure Code were the subject of two judgments of the Hon'ble Supreme Court in Salem Advocate Bar Assn. v. Union of India, (2003) 1 SCC 49 and Salem Advocate Bar Assn. (2) v. Union of India, (2005) 6 SCC 344. The challenge made to the constitutional validity of amendments made to the Code of Civil Procedure by Amendment Acts of 1999 and 2002 was rejected by the Hon'ble

Supreme Court in the first judgment. However, it was noticed in the judgment that modalities have to be formulated regarding the provisions which have been introduced by way of amendments. The Hon'ble Court constituted a committee headed by a former Judge of the Hon'ble Supreme Court and Chairman, Law Commission of India so as to ensure that the amendments become effective and result in quicker dispensation of justice. It was further observed that the Committee might consider devising a model case-management formula as well as rules and regulations which should be followed. The Committee filed the report.

7. The second judgement refers to Report 3 which deals with the Model Case Flow Management Rules. The same deals with Original Suits and suggested fixation of time-limits while issuing notice. The relevant portion reads *"(a) Wherever notice is issued in a suit, the notice should indicate that the Code prescribes a maximum of 30 days for filing written statement (which for special reasons may be extended up to 90 days) and, therefore, the defendants may prepare the written statement expeditiously and that the matter will be listed for that purpose on the expiry of eight weeks from the date of issue of notice (so that it can be a definite date). After the written statement is filed, the replication (if any, proposed and permitted), should be filed within six weeks of receipt of the written statement. If there are more than one defendant, each one of the defendants should comply with this requirement within the time-limit."*

8. It maybe kindly be noted that the Civil Procedure Code (Amendment) Act, 2002 amended Order V with effect from 1 July 2002. The same reads thus;

(1) When a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim and to file the written statement of his defence, if any, within thirty days from the date of service of summons on that defendant:

Provided that no such summons shall be issued when defendant has appear at the presentation of plaint and admitted the plaintiffs claim:

Provided further that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same ' on such other day as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than ninety days from the date of service of summons.

9. Similar are the wordings in Order 8 Rule 1 of the CPC which reads

1. Written statement. —The defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence:

Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same on such other day, as may be specified by the court, for reasons to be recorded in writing, but which shall not be later than ninety days from the date of service of summons.

10. The Hon'ble Supreme Court in *Salem Advocate Bar Assn.* v. *Union of India* (2005) 6 SCC 344 held that the provisions including the proviso to Order 8 Rule 1 CPC are not mandatory but directory. It has been held in that decision that the delay can be condoned and the written statement can be accepted even after the expiry of 90

days from the date of service of summons in exceptionally hard cases. Courts have been liberal, in exceptional cases, in permitting filing of belated written statements in civil litigation.

11. **Strict approach under the Commercial Courts Act.** As can be seen from the Statement of Objects and Reasons for the 2018 amendment to the Commercial Courts Act, 'the global economic environment has since become increasingly competitive and to attract business at international level, India needs to further improve its ranking in the World Bank "Doing Business Report" which, inter alia, considers the dispute resolution environment in the country as one of the parameters for doing business. Further, the tremendous economic development has ushered in enormous commercial activities in the country including foreign direct investments, public private partnership, etc., which has prompted initiating legislative measures for speedy settlement of commercial disputes, widen the scope of the courts to deal with commercial disputes and facilitate ease of doing business. Needless to say that early resolution of commercial disputes of even lesser value creates a positive image amongst the investors about the strong and responsive Indian legal system.'

12. **Traditional Civil Litigation.** It is submitted that there is a marked distinction and difference between commercial disputes and ordinary Civil Litigation. The nature of transactions in Commercial disputes arise out of business and trade transactions such as: partnership agreements, supply contracts, shareholder agreements banking and financial transactions, intellectual property disputes. These disputes generally involve structured commercial relationships with

documented contracts. However, ordinary civil disputes typically involve property disputes, inheritance and partition suits, easement rights, family arrangements, landlord–tenant disputes, boundary disputes etc.

Civil disputes often arise from long-standing social or family relationships rather than formal contracts.

13. **Availability of Documents Commercial Disputes and Ordinary civil litigation.** In commercial litigation include parties are businesses or companies, transactions are documented through written contracts, invoices, emails, and digital records, documents are usually maintained systematically in corporate records. Thus, parties already possess the relevant documents, enabling them to file pleadings quickly. However, in ordinary Civil Litigation, documents are often scattered across various public offices, records may be old or difficult to trace, many documents must be obtained from government authorities. It is practically impossible to obtain old and non-computerised revenue records, mutation entries, genealogical records, earlier litigation records, certified copies from courts village maps and land surveys. Obtaining these documents requires multiple applications and administrative processing.

14. **Access to Information in Commercial Disputes and Ordinary civil disputes.** Commercial entities generally have organized document management systems, legal departments, digital records, accountants and auditors maintaining records. As a result, information required to defend the case is readily available. In ordinary civil litigation, individual litigants often depend on

government offices for essential information, such as revenue departments, sub-registrar offices, village accountants, municipal authorities. Needless to say these offices frequently experience administrative delays, backlog in issuing certified copies, procedural formalities for obtaining documents. Consequently, litigants cannot collect necessary documents within a short time frame.

15. **Nature of Evidence to be produced along with the written statement.** In Commercial Disputes evidence is mostly documentary, contractual, digital. Such evidence is pre-existing and easily accessible. However, in ordinary civil litigation evidence may involve old title deeds, genealogical proof, old family arrangements, historical revenue entries, land surveys and boundary measurements. Much of this evidence requires verification and collection from public records. Moreover ordinary civil litigation, multiple generations involve in ancestral property rights, complicated chains of title and several previous transactions. Understanding these facts requires extensive investigation and document collection.

16. It is submitted that in civil disputes many crucial documents must be obtained from public authorities, such as revenue records from village offices, mutation extracts, survey records, certified copies of sale deeds. Obtaining these records often takes several weeks or months due to bureaucratic procedures. A single civil dispute may require documents from several departments, including Revenue Department, Sub-Registrar Office, Survey Department, Local municipal bodies, Court record rooms. Each authority follows different procedures and timelines. Unlike commercial parties,

individual litigants do not possess all relevant documents. They must rely on public records maintained by the State, which may be outdated require verification involve manual retrieval from archives.

17. **Rural and Agricultural Lands Disputes** In disputes involving agricultural land, revenue entries may be spread across several decades. Old records exist only in physical form and verification by village officials may be required. Such processes cannot realistically be completed within rigid procedural deadlines. While strict procedural timelines may be appropriate for commercial disputes involving organized business entities and readily available documentation, the same rigidity can cause serious hardship in ordinary civil litigation where litigants must depend on slow-moving public institutions to obtain essential records. Therefore, procedural rules governing ordinary civil suits must preserve judicial discretion and flexibility, ensuring that the quest for procedural efficiency does not undermine the substantive right of parties to present their case fully before the Court.

18. **Impugned Amendment.** At this juncture, the petitioners bring to the kind notice of this Hon'ble Court, the impugned amendment which mechanically and blindly adopts the provision applicable to commercial disputes even in respect of the ordinary civil litigation. The respondent has brought an amendment to Order V of the Code of Civil Procedure in its application to the State of Karnataka. As stated above the amendment mandates forfeiture of right to file written statement after 120 days.

19. In the respectful submission of the petitioners, the impugned amendment suffers from its unconstitutionality. Apart from other grounds, the amendment is manifestly arbitrary as explained by the Hon'ble Supreme Court in Shayara Bano v. Union of India. The petitioners are as practicing lawyers and also collectively as part of the legal profession are aggrieved by the impugned amendment. The following, among other grounds are urged in support of the writ petition.

GROUNDS

20. It is submitted that the impugned provision is manifestly arbitrary and unreasonable, thereby violating Constitution of India Article 14. The amendment creates an absolute and inflexible bar on filing a written statement beyond 120 days, irrespective of circumstances. The provision fails to account for genuine practical difficulties faced by litigants such as: obtaining revenue records from government offices, securing family trees and genealogical records, collecting certified copies of earlier proceedings, procuring documents from different departments which is absolutely essential in civil litigation especially at the rural scenario.

21. Unlike commercial disputes, the civil litigation is preceded by legal notice or communication which gives raise to the litigation. Original suits are filed followed by immediate altercation regarding boundary disputes, alleged interference with possession, alleged unlawful squatting on the property etc. Government departments themselves often require several months to supply such documents. Penalising a litigant for delays caused by administrative inefficiency of the State is manifestly arbitrary.

22. It is submitted that right to legal remedy is equally applicable to the defendants in an adversarial litigation. The latest judgment of the Hon'ble Supreme Court in *Vishnu Vardhan v. State of U.P., 2025 SCC OnLine SC 1501* reiterates that the right to seek an effective legal remedy for an infringed right is part of the right to life enshrined under Article 21 of the Constitution. The impugned amendment virtually robs of this valuable fundamental right. It places the plaintiff in an advantageous position while placing the defendant in the most vulnerable position.

23. It is submitted that the doctrine of manifest arbitrariness, recognised by the Supreme Court, renders legislation unconstitutional when it is capricious, irrational or disproportionate. Filing a Written Statement is the primary opportunity for a defendant to present his defence. Forfeiture of this right deprives the defendant of the ability to dispute facts, raise legal defences, produce documents, or contest the plaintiff's claim. The amendment effectively condemns a party unheard, which is contrary to settled principles of procedural fairness. Procedural law cannot be interpreted or enacted in a manner that destroys the right to defend a civil action.

24. Violation of Article 21 – Denial of Fair Procedure. The impugned provision also violates Article 21 of the Constitution, which guarantees fair, just and reasonable procedure. The Hon'ble Supreme Court has repeatedly held that procedure established by law must be fair and reasonable, not oppressive or arbitrary. An absolute forfeiture of defence, irrespective of circumstances is harsh, disproportionate and procedurally unfair. A civil defendant

may lose valuable property rights merely because of procedural rigidity, which is incompatible with constitutional due process.

25. As submitted above, access to justice is a fundamental component of constitutional governance. The amendment extinguishes the right of defence permanently after 120 days, prevents courts from exercising judicial discretion even in exceptional cases such as serious illness, non-availability of public records, delays caused by government authorities and circumstances beyond the control of the litigant. A law that removes judicial discretion entirely is inherently disproportionate.

26. The Hon'ble Supreme Court has quoted the declaration by Justice Krishna Iyer that procedural Law should be handmaid of justice. Procedural law is meant to advance justice, not defeat it. Civil procedure exists to ensure fair adjudication, facilitate presentation of cases and prevent miscarriage of justice. By completely shutting the door on the defence, the amendment converts a procedural rule into a substantive penalty. Such an approach defeats the very purpose of civil adjudication.

27. Inconsistent with the Structure of the Code of Civil Procedure. The Code of Civil Procedure, 1908 traditionally grants courts flexibility in procedural matters. The CPC contains several provisions allowing courts to enlarge time, condone delay, accept documents later in the interest of justice. The impugned amendment removes this flexibility entirely, thereby disturbing the scheme of procedural justice under the CPC.

28. Arbitrary Classification Between Plaintiffs and Defendants. The impugned amendment treats defendants more harshly than plaintiffs. Plaintiffs may institute suits even with incomplete documents. They may produce documents later with leave of the court. However, defendants are absolutely barred from filing written statements after 120 days. This creates unequal treatment without reasonable justification, offending Article 14 of the Constitution of India.

29. Practical Impossibility in Indian Conditions. The impugned amendment ignores the ground realities of litigation in India, particularly in states like Karnataka. In civil disputes involving property, a defendant must often collect RTC extracts, mutation records, pahani records, genealogical trees, revenue maps and certified copies of earlier litigation. Obtaining these documents from revenue authorities often takes several months. Thus, the 120-day cap creates practical impossibility, leading to denial of justice.

30. Mechanical Decrees and Miscarriage of Justice. It is submitted that if the right to file written statement is forfeited the court may proceed without considering the defence. Decrees may be passed solely on the basis of the plaintiff's pleadings. This increases the likelihood of erroneous or unjust decrees. Civil courts exist to determine truth after hearing both sides, not to issue decrees based on procedural default.

31. Excessive Legislative Rigidity. The amendment eliminates judicial discretion entirely, making the provision excessively rigid. A constitutionally valid procedural law should prescribe timelines for

efficiency but still allow limited judicial discretion in exceptional circumstances. The impugned provision strips courts of that power, which undermines the justice delivery system.

Grounds in support of interim prayer

32. It is submitted that the impugned amendment virtually takes away the fundamental right guaranteed under Article 21 of the Constitution of India to the defendants. The entire legal fraternity is also put to serious hardship since the advocates cannot defend their clients by filing the written statement within the arbitrarily fixed time limit of 120 days. The impugned amendment is manifestly arbitrary and unconstitutional. If the rights of the litigants and that of the advocates who are defending their clients are not protected, there will be miscarriage of justice. Hence the prayer for interim orders.

PRAYER

The petitioner prays for issuance of appropriate writ order or direction from this Hon'ble Court;

(i) Declaring declaring Section 4 of the Code of Civil Procedure (Karnataka Amendment) Act, 2024 in so far it introduces third proviso to Order V Rule 1 of the Code of Civil Procedure 1908 (Central Act 5 of 1908), as unconstitutional and unenforceable AND

(ii) pass such other order or orders as this Hon'ble Court be pleased to under the facts and circumstances of the case in the interest of justice and equity.

(17)

INTERIM PRAYER

Pending disposal of the present writ petition, the petitioner prays that this Hon'ble Court be pleased order that the defendants can file written statements in the civil litigations in the State of Karnataka even after 120 days along with an application for condonation of delay under Section 5 of the Limitation Act, subject to showing bonafide and valid reasons, in the interest of justice and equity.

Bangalore
Dated 5:3:2026

Advocate for the Petitioner
(Uday Shankar M)

Uday Shankar M
Legal Space,
#T-7, 3rd Floor,
Jeevan Building,
Kumarapark East,
Bengaluru – 560001

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

WRIT PETITION NO. /2026

BETWEEN:

Basavaraj S. Petitioner

AND:

State of Karnataka Respondent

AFFIDAVIT VERIFYING WRIT PETITION

I, Basavaraj S, son of late M. Siddaramaiah, aged 61 years, No. 11, 2nd Floor, Jeevan Buildings, Kumara Park East, Bangalore 560001, do hereby solemnly affirm and state as hereunder;

1. I submit that the statements made in paragraphs 1 to 32 including the legal submissions made therein are within my knowledge.

2. I submit that the documents produced at Annexure- A and Annexure-B are true copies of their respective originals.

Bangalore
Dated 5:3:2026
Identified by me

Advocate

Deponent

ANNEXURE – A

KARNATAKA ACT NO. 40 OF 2025

THE CODE OF CIVIL PROCEDURE (KARNATAKA AMENDMENT) ACT, 2024

Arrangement of Sections

Sections:

1. **Short title and commencement**
2. **Insertion of new section 89A**
3. **Insertion of new section 158 A**
4. **Amendment of the First Schedule**
5. **Insertion of new Appendix-IA**
6. **Power of the State Government to make rules**
7. **Act to be in addition to any other law**
8. **Removal of difficulties**

STATEMENT OF OBJECTS AND REASONS

Amendment Act 40 of 2025:- It is considered necessary to amend the Code of Civil Procedure 1908 (Central Act 5 of 1908) in its application to the state of Karnataka,-

(i) for the purpose of expeditious disposal of civil cases;

(ii) to improve the efficiency and reduce delays in disposal of civil cases; and

(iii) thereby provide speedy justice.

Hence, the Bill.

[L.A. Bill No.55 of 2024, File No. SAMVYASHAE 67 SHASANA 2024]

[Entry 13 of List III of the Seventh Schedule to the Constitution of India.]

[Published in Karnataka Gazette Extra-ordinary No.304 in part-IVA dated:26.05.2025]

KARNATAKA ACT NO. 40 OF 2025 (20)

(First Published in the Karnataka Gazette Extra-ordinary on the 26th day of May, 2025)

THE CODE OF CIVIL PROCEDURE (KARNATAKA AMENDMENT) ACT, 2024

(Received the assent of the President on the 19th day of May 2025)

An Act further to amend the Code of Civil Procedure, 1908 in its application to the State of Karnataka for the purpose of expeditious disposal of cases and providing speedy justice.

Whereas it is expedient to further amend the Code of Civil Procedure, 1908 in its application to the State of Karnataka for the purpose of expeditious disposal of cases and providing speedy justice;

Be it enacted by the Karnataka State Legislature in the Seventy Fifth year of the Republic of India as follows:

1. Short title and commencement.- (1) This Act may be called the Code of Civil Procedure (Karnataka Amendment) Act, 2024.

(2) It shall come into force from such [1][date][1] as the State Government may by notification appoint.

1. This Act has came into force w.e.f. 05.06.2025, by Notification No. Law-LCE/281/2024 Dated: 05.06.2025

2. Insertion of new section 89A .- In the Code of Civil Procedure, 1908 (Central Act 5 of 1908) (hereinafter referred to as the Principal Act), after section 89, the following new section shall be inserted, namely:-

"89A. Mediation and Settlement.- (1) Notwithstanding anything contained in any provision under the Code of Civil Procedure, every suit that does not contemplate any urgent interim relief shall be referred to mediation and notice shall be issued to defendants accordingly.

(2) The State Government may, by notification, authorise the authorities constituted under the Legal Services Authorities Act, 1987 (Central Act 39 of 1987) for the purpose of mediation.

(3) Notwithstanding anything contained in the Legal Services Authorities Act, 1987, the Authority authorised by the State Government under sub-section (*2*) shall complete the process of mediation within a period of two months from the date of reference under sub-section (*1*):

Provided that the period of mediation may be extended for a further period of one month with the consent of the parties.

(4) If the parties to the civil dispute arrive at a settlement, the same shall be reduced into writing and shall be signed by the parties to the dispute and the mediator and shall be submitted to the Court.

(5) The Court shall effect a compromise between the parties and shall follow such procedure as prescribed."

3. Insertion of new section 158 A.- After section 158 of the principal Act, the following shall be inserted, namely:-

"158 A. Amendments to the Code of Civil Procedure, 1908 in its application to civil disputes.-(1) The provisions of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) shall, in their application to any suit in respect of a civil dispute stand amended by this Act.

(2) The Civil Courts shall follow the provisions of the Code of Civil Procedure, 1908 (Central Act 5 of 1908), as amended by this Act, in the trial of a suit.

(3) Where any provision of any rule of the jurisdictional High Court or any amendment to the Code of Civil Procedure, 1908 (Central Act 5 of 1908) is in conflict with the provisions of this amended by this Act, the provisions of the Code of Civil Procedure as amended by this Act shall prevail."

4. Amendment of the First Schedule.- In the First Schedule to the Principal Act,-

(i) in the Order V, in rule 1, in sub-rule (1), after the second proviso, the following proviso shall be inserted, namely:–

"Provided also that where the defendant fails to file the Written Statement within the said period of thirty days, he shall be allowed to file the Written Statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the Written Statement and the Court shall not allow the Written Statement to be taken on record.";

(ii) in Order VI,-

(a) after rule 3A, the following rule shall be inserted, namely:-

"**3AA. Forms of pleading in Civil Courts.**– In a civil dispute, where forms of pleadings have been prescribed under the High Court rules or Practice Directions made for the purposes of such civil disputes, pleadings shall be in such forms.";

(*b*) after rule 15 A, the following new rule shall be inserted, namely:-

"**15A-A. Verification of pleadings in a civil dispute.**-(*1*) Notwithstanding anything contained in rule 15, every pleading in a civil dispute shall be verified by an affidavit in the manner and form prescribed in the Appendix-IA to the Schedule.

(*2*) An affidavit under sub-rule (*1*) above shall be signed by the party or by one of the parties to the proceedings, or by any other person on behalf of such party or parties who is proved to the satisfaction of the Court to be acquainted with the facts of the case and who is duly authorised by such party or parties.

(*3*) Where a pleading is amended, the amendments must be verified in the form and manner referred to in sub-rule (*1*) unless the Court orders otherwise.

(*4*) Where a pleading is not verified in the manner provided under sub-rule (*1*), the party shall not be permitted to rely on such pleading as evidence or any of the matters set out therein.

(*5*) The Court may strike out a pleading which is not verified by a statement of truth, namely, the affidavit set out in the Appendix-IA to the Schedule."

(iii) in Order VII,-

(a) in rule 1,-

(i) for clause (b) the following shall be substituted, namely:-

"(b) The name, description and place of residence of the plaintiff, identity proof, mobile number and email- id;" and

(ii) for clause (c) the following shall be substituted, namely:-

"(c) The name, description and place of residence of the defendant, so far as they can be ascertained including the mobile number and email-id."

(b) after rule 2A, the following rule shall be inserted, namely:—

"**2-AA. Where interest is sought in the suit.**- (1) In money suits, where the plaintiff seeks interest, the plaint shall contain a statement to that effect along with the details set out under sub-rules (*2*) and (*3*).

(2) Where the plaintiff seeks interest, the plaint shall state whether the plaintiff is seeking interest in relation to a civil dispute within the meaning of section 34 of the Code of Civil Procedure, 1908 (5 of 1908) and, furthermore, if the plaintiff is doing so under the terms of a contract or under an act, in which case the act is to be specified in the plaint; or on some other basis and shall state the basis of that.

(3) Pleadings shall also state,-

(a) the rate at which interest is claimed;

(b) the date from which it is claimed;

(c) the date to which it is calculated;

(d) the total amount of interest claimed to the date of calculation; and

(e) the daily rate at which interest accrues after that date."

(iv) in Order VIII,–

(a) in rule 1, after the second proviso, the following proviso shall be inserted, namely:–

"Provided also that where the defendant fails to file the Written Statement within the said period of thirty days, he shall be allowed to file the Written Statement on such other day, as may be specified by the Court, for reasons to be recorded in writing and on payment of such costs as the Court deems fit, but which shall not be later than one hundred twenty days from the date of service of summons and on expiry of one hundred twenty days from the date of service of summons, the defendant shall forfeit the right to file the Written Statement and the Court shall not allow the Written Statement to be taken on record."

(b) after rule 3, the following rule shall be inserted, namely:–

"3A. Denial by the defendant in civil suits before the Courts.-(1) Denial shall be in the manner provided in sub-rules (2), (3), (4) and (5) of this rule.

(2) The defendant in his Written Statement shall state which of the allegations in the particulars of plaint he denies, which allegations he is unable to admit or deny, but which he requires the plaintiff to prove, and which allegations he admits.

(3) Where the defendant denies an allegation of fact in a plaint, he must State his reasons for doing so and if he intends to put forward a different version of events from that given by the plaintiff, he must state his own version.

(4) If the defendant disputes the jurisdiction of the Court he must state the reasons for doing so, and if he is able, give his own statement as to which Court ought to have jurisdiction.

(5) If the defendant disputes the plaintiff's valuation of the suit, he must state his reasons for doing so, and if he is able, give his own statement of the value of the suit."

(*c*) in rule 5, in sub-rule (*1*), after the first proviso, the following proviso shall be inserted, namely:-

"Provided further that every allegation of fact in the plaint, if not denied in the manner provided under rule 3A of this order, shall be taken to be admitted except as against a person under disability."

(*d*) in rule 10, the following proviso shall be inserted, namely:–

"Provided further that no Court shall make an order to extend the time provided under rule 1 of this order for filing of the Written Statement."

(v) **Insertion of Order XV-AA.**-After Order XV-A, the following order shall be inserted, namely:-

"ORDER XV-AA

CASE MANAGEMENT HEARING

1. First Case Management Hearing.- The Court shall hold the first Case Management Hearing, not later than four weeks from the date of completion of pleadings in the suit. Pleadings are completed when the defendant files Written Statement and the suit is set for framing of issues.

2. Orders to be passed in a Case Management Hearing.- In a Case Management Hearing, after hearing the parties, and once it finds that there are issues of fact and law which require to be tried, the Court may pass an order-

(a) framing the issues between the parties in accordance with Order XIV of the Code of Civil Procedure, 1908 (5 of 1908) after examining pleadings and documents produced before it, and on examination conducted by the Court under rule 2 of Order X, if required parties may be directed to submit draft issues.

(b) listing witnesses to be examined by the parties;

(c) fixing the date by which affidavit of evidence to be filed by parties;

(d) fixing the date on which evidence of the witnesses of the parties to be recorded;

(e) fixing the date by which Written arguments are to be filed before the Court by the parties;

(f) fixing the date on which oral arguments are to be heard by the Court; and

(g) setting time limits for parties and their advocates to address oral arguments.

3. Time limit for the completion of a trial.-In fixing dates or setting time limits for the purposes of rule 2 of this order, the Court shall ensure that the arguments are closed not later than 24 months from the date of the first Case Management Hearing.

4. Recording of oral evidence on a day-to-day basis.-The Court shall, as far as possible, ensure that the recording of evidence shall be carried on, on a day-to-day basis or weekly basis until the cross-examination of all the witnesses is completed.

5. Case Management Hearings during a trial.- The Court may, if necessary, also hold Case Management Hearings anytime during the trial to issue appropriate orders so as to ensure adherence by the parties to the dates fixed under rule 2 and facilitate speedy disposal of the suit.

6. Powers of the Court in a Case Management Hearing.- (1) In any Case Management Hearing held under this Order, the Court shall have the power to,-

(a) prior to the framing of issues, hear and decide any pending application filed by the parties;

(b) direct parties to file compilations of documents or pleadings relevant and necessary for framing issues;

(c) extend or shorten the time for compliance with any practice, direction, or Court order if it finds sufficient reason to do so;

(d) adjourn or bring forward a hearing if it finds sufficient reason to do so;

(e) direct a party to attend the Court for the purposes of examination under Rule 2 of Order X;

(f) consolidate proceedings;

(g) strike off the name of any witness or evidence that it deems irrelevant to the issues framed;

(h) direct a separate trial of any issue;

(i) decide the order in which issues are to be tried;

(j) exclude an issue from consideration;

(k) dismiss or give judgment on a claim after a decision on a preliminary issue;

(l) direct that evidence be recorded by a Commission where necessary in accordance with Order XXVI;

(m) reject any affidavit of evidence filed by the parties for containing irrelevant, inadmissible or argumentative material;

(n) strike off any parts of the affidavit of evidence filed by the parties containing irrelevant, inadmissible or argumentative material;

(o) delegate the recording of evidence to such authority appointed by the Court for this purpose;

(p) pass any order relating to the monitoring of recording the evidence by a commission or such authority;

(q) issue directions or pass any order for the purpose of managing the case and furthering the overriding objective of ensuring the efficient disposal of the suit.

(2) When the Court passes an order in exercise of its powers under this order, it may-

(a) make it subject to conditions, including a condition to pay a sum of money into Court; and

(b) specify the consequence of failure to comply with the order or a condition.

(3) While fixing the date for a Case Management Hearing, the Court may direct that the parties also be present for such Case Management Hearing, if it is of the view that there is a possibility of settlement between the parties.

7. Adjournment of Case Management Hearing.- (1) The Court shall not adjourn the Case Management Hearing for the sole reason that the advocate appearing on behalf of a party is not present:

Provided that an adjournment of the hearing is sought in advance by moving an application, the Court may adjourn the hearing to another date upon the payment of such costs as the Court deems fit, by the party moving such application.

(2) Notwithstanding anything contained in this rule, if the Court is satisfied that there is a justified reason for the absence of the advocate, it may adjourn the hearing to another date upon such terms and conditions it deems fit.

8. Consequences of non-compliance with orders.- Where any party fails to comply with the order of the Court passed in a Case Management Hearing, the Court shall have the power to—

(a) condone such non-compliance by payment of costs to the Court;

(b) foreclose the non-compliant party's right to file affidavits, conduct cross-examination of witnesses, file Written submissions, address oral arguments or make further arguments in the trial, as the case may be, or

(c) dismiss the plaint or allow the suit where such non-compliance is willful, repeated and the imposition of costs is not adequate to ensure compliance."

(vi) in Order XVII in Rule 1, in sub -rule (1), for the proviso, the following shall be substituted, namely:-

"Provided that no such adjournment shall be granted more than three times to a party during hearing of the suit and the overall duration of three adjournments shall not exceed 30 days."

(vii) in Order XVIII,-

(a) in rule 2, for sub-rules (*3A*), (*3B*), (*3C*), (*3D*), (*3E*) and (*3F*), the following sub-rules shall be substituted, namely:—

"(*3A*) A party shall, within seven days prior to commencing the oral arguments, submit concisely and under distinct headings Written arguments in support of his case to the Court and such Written arguments shall form part of the record.

(*3B*) The Written arguments shall clearly indicate the provisions of the laws being cited in support of the arguments and the citations of judgments being relied upon by the party and include copies of such judgments being relied upon by the party and care should be taken to cite only one judgment on one point.

(3C) A copy of such Written arguments shall be furnished simultaneously to the opposite party.

(3D) The Court may, if it deems fit, after the conclusion of arguments, permit the parties to file revised Written arguments within a period of not more than one week after the date of conclusion of arguments.

(3E) No adjournment shall be granted for the purpose of filing the written arguments unless the Court, for reasons to be recorded in writing, considers it necessary to grant such adjournment.

(3F) It shall be open for the Court to limit the time for oral submissions having regard to the nature and complexity of the matter."

(b) in rule 4, after the proviso to sub-rule (1C), the following sub-rules shall be inserted, namely:—

"(1D) The affidavits of evidence of all witnesses whose evidence is proposed to be led by a party shall be filed simultaneously by that party at the time directed in the first Case Management Hearing.

(1E) A party shall not lead additional evidence by the affidavit of any witness (including of a witness who has already filed an affidavit) unless sufficient cause is made out in an application for that purpose and an order, giving reasons, permitting such additional affidavit is passed by the Court.

(1F) A party shall however have the right to withdraw any of the affidavits so filed at any time prior to commencement of cross-examination of that witness, without any adverse inference being drawn based on such withdrawal."

(viii) in Order XIX, after rule 3, the following new rules shall be inserted, namely:–

"**4. Court may control evidence.-** (1) The Court may, by directions, regulate the evidence as to issues on which it requires evidence and the manner in which such evidence may be placed before the Court.

(2) The Court may, in its discretion and for reasons to be recorded in writing, exclude evidence that would otherwise be produced by the parties."

5. Format and guidelines of affidavit of evidence.- An affidavit must comply with the form and requirements set forth below:—

(a) such affidavit should be confined to, and should follow the chronological sequence of, the dates and events that are relevant for proving any fact or any other matter dealt with;

(b) each paragraph of an affidavit should, as far as possible, be confined to a distinct portion of the subject or material fact;

(c) an affidavit shall state—

(i) which of the statements in it are made from the deponent's own knowledge and which are matters of information or belief; and

(ii) the source for any matters of information or belief;

(d) an affidavit should—

(i) have the pages numbered consecutively as a separate document (or as one of several documents contained in a file);

(ii)be divided into numbered paragraphs;

(iii) have all numbers, including dates, expressed in figures; and

(iv) if any of the documents referred to in the body of the affidavit are annexed to the affidavit or any other pleadings, give the annexures and page numbers of such documents that are relied upon."

5. Insertion of new Appendix-IA.- After Appendix-I of the principal Act the following Appendix shall be inserted, namely:-

"APPENDIX-IA

STATEMENT OF TRUTH

(Under First Schedule, Order VI- Rule 15AA and Order XI- Rule 3)

I ----- the deponent do hereby solemnly affirm and declare as under:

1. I am the party in the above suit and competent to swear this affidavit.

2. I am sufficiently conversant with the facts of the case and have also examined all relevant documents and records in relation thereto.

3. I say that the statements made in -----paragraphs are true to my knowledge and statements made in - ----paragraphs are based on information received which I believe to be correct and statements made in --- paragraphs are based on legal advice.

4. I say that there is no false statement or concealment of any material fact, document or record and I have included information that is according to me, relevant for the present suit.

5. I say that all documents in my power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by me have been disclosed and copies thereof annexed with the plaint, and that I do not have any other documents in my power, possession, control or custody.

6. I say that the above-mentioned pleading comprises of a total of ----- pages, each of which has been duly signed by me.

7. I state that the Annexures hereto are true copies of the documents referred to and relied upon by me.

8. I say that I am aware that for any false statement or concealment, I shall be liable for action taken against me under the law for the time being in force.

Place:
Date:

DEPONENT

VERIFICATION

I, ... do hereby declare that the statements made above are true to my knowledge.

Verified at [place] on this [date]

DEPONENT.".

6. Power of the State Government to make rules.- (1) The State Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or any of the following matters, namely:—

(a) the manner and procedure of mediation under section 89A;

(b) any other matter which is required to be, or may be, prescribed or in respect of which provision is to be made by rules made by the State Government.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or decide that any rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such

modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

7. Act to be in addition to any other law.- The provisions of this Act shall be,-

(i) in continuation of and not in derogation of any provisions that are applicable to Commercial Courts; and

(ii) applicable to all Civil Courts and to all cases which are Civil in nature.

8. Removal of difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the Official Gazette, as the occasion may require do anything not inconsistent with the provisions of this Act which appears to it to be necessary to remove the difficulty:

Provided that no order shall be made under this section after expiry of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall as soon as may be after it is published, be laid before both Houses of the State Legislature and shall, subject to any modification which the State Legislature may make, have effect as if enacted in this Act.

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary
Affairs and Legislation

This document is referred to as Annexure..... in the Affidavit of ~~Smt/~~Sri. .....

NOTARY PUBLIC

(31)

ANNEXURE – B

GOVERNMENT OF KARNATAKA

No. Law-LCE/281/2024

Karnataka Government Secretariat
Vidhana Soudha, Dr. B.R. Ambedkar Veedhi
Bengaluru, dated: 05.06.2025

NOTIFICATION

In exercise of the Powers conferred under sub-section (2) of section 1 of the Code of Civil Procedure (Karnataka Amendment) Act, 2024 (Karnataka Act No. 40 of 2025), it is hereby notified by the Government of Karnataka that the Code of Civil Procedure (Karnataka Amendment) Act, 2024 (Karnataka Act No. 40 of 2025) shall come into force with effect from 05.06.2025.

By order and in the name of
Governor of Karnataka,

(L. NAGESH)
Under Secretary to Government (Admin-1)
Law, Justice and Human Rights Department

This document is referred to as Annexure.....B..... in the Affidavit of ~~Smt./~~Sri. .....Nagesh S.....

NOTARY PUBLIC

₹ 20 G1167024 KARNATAKA STATE BAR COUNCIL KARNATAKA ADVOCATES WELFARE FUND STAMP d.a.20

(32)

₹ 30 C1192055 KARNATAKA ADVOCATES KSBC WELFARE FUND STAMP THIRTY RUPEES d.a.30

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

W.P No.....of 2026

Applicant/s, Petitioner/s — Defendant/s Respondent/s,

Rajaravaj. S — State of Karnataka

Plaintiff/s, Complainant/s — **Vs.** — Accused Judgement-debtors

Decree Holder/s, Appellant/s — Opponents

I/We.....Rajaravaj. S.....
the.....Petitioner.....Nos.....In the above matter here by appoint and retain Sri....Uday Shankar. M, Md. Aftab, Gopi karunakaran.....Advocate, to appear act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein appeals and or other proceedings arising there from and also in proceedings for review of judgement and for leave to appeal to Supreme Court and to obtain return of any documents filed therein or receive any money which may be payable to me/us.

2. I/We hereby authorise him/them on my/our behalf to enter into a compromise in the above matter, to execute any decree/order therein to appeal from any decree/order/therein and to appeal to act to plead in such appeal in any preferred by any other party from any decree/ other therein.

I / We further agree that if I /We fail to pay fees agreed upon or to give due instructions at all stages/he then is/are at liberty to retire from the case and recover all amounts due to him / them and retain all our monies till such dues are paid

Executed by me/us this...05th.... day of. March 2026 at .Bengaluru.....

Signature/s
(Rajaravaj. S)

Executant/s are personally known to me and he/has/they have signed before us

---

Satisfied as to the identity of executant/s Signature/s

(Where the executant/s are illiterate, blind or unacquainted with the language of Vakalath)

Certified, that the contents were explained to the executant/s in my presence in.....English.....language know to him / them who appear/s perfectly to understand the same and has/have signed in the presence.

Accepted

Name..... Roll No.....

Name..... Roll No.....

Advocate for Petitioner

Place: BENGALURU

UDAY SHANKAR .M
KAR/3102/21

MOHAMED AFTAAB
KAR/4924/21

GOPI KARUNAKARAN
KAR/78/2022

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Website : www.legalspace.net.in

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

WRIT PETITION No. /2026

BETWEEN:

Shri Basavaraj S ...Petitioner

AND:

The State of Karnataka ...Respondent

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Place: Bangalore

Date: 06/03/2026

Advocate for Petitioner

(Udaydhanker.M)

(11)

TWENTY RUPEES

₹ 20 G1167028
KARNATAKA STATE BAR COUNCIL
KARNATAKA ADVOCATES WELFARE FUND STAMP
ರೂ.20

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

WRIT PETITION NO. /2026

(ORIGINAL JURISDICTION)

BETWEEN:

Shri. Basavaraj S.
S/o. late M. Siddaramaiah,
Aged 61 years,
Senior Advocate & Member,
Karnataka State Bar Council
having office at No. 11,
2nd floor,
Jeevan Buildings,
Kumara Park East,
Bangalore – 560 001. **PETITIONER**

AND:

State of Karnataka
By its Principal Secretary to Government
Department of Parliamentary Affairs
And Legislation,
Room No 137, 1st Floor,
Vidhana Souda
Bengaluru -560001 **RESPONDENT**

APPLICATION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA R/W SECTION 151 CPC – FOR DISPENSATION

1. The petitioner has filed the above petition praying for quashing of the notification No. Law-LCE/281/2024 dated 05.06.2025 as at Annexure-B.

2. It is submitted that, the Annexure B produced before this Hon'ble Court is Order passed by the respondent and that the petitioner has already applied for the certified copies which is yet to be released to the petitioner.

3. It is submitted that, procuring the certified copies of the notification dated 05.06.2025 produced at Annexure B would consume sufficiently long time and therefore, the Petitioner is seeking for dispensation of the same with a request to produce the same within a period of six weeks.

4. It is submitted that, the Petitioner would be put to enormous difficulty if dispensation of certified copies is not granted. Per Contra, no injustice would be caused to the respondent if the dispensation of production of certified copy is permitted.

WHEREFORE, it is submitted with respect that the Hon'ble Court be pleased to dispense with production of certified copy of document Annexure B in the ends of equity and Justice.

Bengaluru

Date:

Advocate for Petitioner

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
WRIT PETITION No. /2026

BETWEEN:

Shri Basavaraj S ...Petitioner

AND:

The State of Karnataka ...Respondent

VERIFYING AFFIDAVIT

I, Basavaraj S, son of late M. Siddaramaiah, aged 61 years, No. 11, 2nd Floor, Jeevan Buildings, Kumara Park East, Bangalore 560001, do hereby solemnly affirm and state as hereunder;

1. I am the Petitioner in the above case and I am fully conversant with the facts of the case, I am competent to swear on this affidavit.

2. The averments made in paragraphs 1 to 4 of the accompanying application are true and correct are true to the best of my knowledge, belief and information and I believe them to be true. I submit that the production of the certified copy of Annexure A may be dispensed with.

All that is stated above in paragraphs 1 to 2 are true to the best of my knowledge, belief and information.

DEPONENT

Identified by Me,

Advocate

Bangalore