

Naresh Kumar vs Swamy Vivekananda Educational Trust

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Court : Karnataka Orders

Decided On : Jul-31-2025

Judge : M.Nagaprasanna

Appeal No. : WP/21948/2025

Appellant : Naresh Kumar

Respondent : Swamy Vivekananda Educational Trust

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2025 BEFORE THE HON'BLE
MR. JUSTICE M.NAGAPRASANNA WRIT PETITION NO. 21948 OF
2025 (GM-CPC) BETWEEN:

1. NARESH KUMAR, AGED ABOUT 27 YEARS.

2. DINESH KUMAR,

AGED ABOUT 23 YEARS. BOTH ARE R/O NO.27, PETITIONERS Digitally
signed (BY SRI. THYAGARAJ M., ADVOCATE) by NAGAVENI AND: Location:
High Court of Karnataka 1. SWAMY VIVEKANANDA EDUCATIONAL TRUST, A

REGISTERED TRUST HAVING OFFICE AT MANDUR VILLAGE, VIRGONAGAR POST, BUDIGERE CROSS, DEVANAHALLI ROAD, HOSKOTE, BENGALURU RURAL DISTRICT - 560 049. REPRESENTED BY ITS PRESIDENT VISHNU KUMAR, S/O BIDARAM, -2- AGED ABOUT 47 YEARS, R/O GR SUN VILLA, NIMBEKAYIPURA, BIDARAHALLI,

2. AKSHAY KUMAR, AGED ABOUT 23 YEARS, R/O NO.27,

3. ASHAPURA HARDWARE AND GLASS PLYWOOD,

A PROPRIETORSHIP REPRESENTED BY AKSHAY KUMAR, DINESH KUMAR, AND NARESH KUMAR, HAVING OFFICE AT SY.NO. 101, K. DOMMASANDRA, WHITEFIELD MAIN ROAD, SONNENAHALLI, K.R.PURAM, BENGALURU - 560 007. RESPONDENTS (BY SRI SWAROOP S., ADVOCATE FOR R-2) THIS W.P. IS FILED UNDER ARTICLE 227 OF THE

CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER

DATED 19.06.2025 PASSED IN COM.O.S.NO.47/2025, BENGALURU CITY PRODUCED AS ANNEXURE-B AND FURTHER ALLOW THE PETITION AND ETC. -3- THIS PETITION, COMING ON FOR ORDERS, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

The petitioners are before this Court seeking the following prayers: "a) by way of a writ of certiorari or any other

appropriate Writ, Direction or Order, quash the order

dated 19-6-2025 passed in Com.O.S. No.47/2025, Bengaluru City, produced as Annexure 'B' and further allow the Petition; b) by way of a writ of certiorari or any other appropriate Writ, Direction or Order permitting the Petitioners for filing their

defence through written statement and further direct the trial court to taken on record for adjudication in accordance with law; c) pass such order or orders as this Hon'ble Court deems fit."

2. Learned counsel for the petitioners after arguing the

matter at length would restrict his prayer to permit the petitioners to cross-examine the plaintiffs or their witnesses in accordance with law. It is made clear that non-filing of Written Statement cannot be used to deny cross-examination by any means, in accordance with law. -4-

3. With the aforesaid observations, petition stands disposed. Sd/-
(M.NAGAPRASANNA) JUDGE CBC List No.: 1 SI No.: 21

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