



CNR: KAHC010013632026

NC: 2026:KHC:45217
WP No. 493 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 493 OF 2026 (GM-CPC)

BETWEEN:

G.SOMASHEKAR
SON OF SRI R. GOVINDAREDDY
AGED ABOUT 66 YEARS,
RESIDING AT NO. 106,
KODIHALLI, 2878/1,
HAL 2ND STAGE, 1ST MAIN
OFF 80 FEET ROAD, HAL 2ND STAGE POST,
BANGALORE-560 008

...PETITIONER

(BY SRI.CHANDRASHEKAR, ADVOCATE FOR
SRI.C.G.GOPALASWAMY, ADVOCATE)

AND:

Digitally
signed by
SUVARNA T
Location:
HIGH COURT
OF
KARNATAKA

1. DHANOOP S.,
SON OF SRI G. SOMASHEKAR,
AGED ABOUT 41 YEARS,
RESIDING AT NO. 106,
KODIHALLI, 2878/1,
HAL 2ND STAGE, 1ST MAIN
OFF 80 FEET ROAD,
HAL 2ND STAGE POST,
BANGALORE-560 008
2. SMT. SHARADHA
WIFE OF SRI G. SOMASHEKAR,
AGED ABOUT 61 YEARS,
3. KUM. SHRUTHI S
DAUGHTER OF SRI G. SOMASHEKAR,



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AGED ABOUT 36 YEARS,

RESPONDENT NO.2 AND 3 ARE
RESIDING AT NO. 106,
KODIHALLI, 2878/1,
HAL 2ND STAGE, 1ST MAIN
OFF 80 FEET ROAD,
HAL 2ND STAGE POST,
BANGALORE-560 008

4. MRS. JHANSI EDITH ABRAHAM
WIFE OF SRI STANLEY JOSEPH ABRHAM,
AGED ABOUT 65 YEARS,
RESIDING AT A.O.G. CHURCH,
WHITEFIELD,
BANGALORE-560 066
5. JOEL ALEXANDER
SON OF SRI SIMON DEVADOS,
AGED ABOUT 52 YEARS,
RESIDING AT NO.99, 10TH CROSS,
10TH MAIN, NANDANAM LAYOUT,
HORAMAVU ROAD,
BANGALORE-560 043
6. SMT. REEBY POULOSE
WIFE OF DR.M.M. POULOSE,
AGED ABOUT 72 YEARS,
RESIDING AT PETER'S FARM,
KURUBARAHALLI, LALITHADRIPURA,
MYSORE-570 010
7. SMT. SHAKEELA PARVEEN
WIFE OF SRI FIYAZ AHMED,
AGED ABOUT 51 YEARS,
RESIDING AT NO.8, 5TH CROSS,
SIDDAIAH ROAD,
BANGALORE-560 027
8. NAGARAJU



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SON OF SRI NARAYANAREDDY,
AGED ABOUT 51 YEARS,
RESIDING AT KUNDALAHALLI,
DODDNAKUNDI POST,
BANGALORE-560 037

9. N. CHANDRASHEKARA REDDY,
SON OF SRI T. NARASIMHA REDDY,
AGED ABOUT 64 YEARS,
RESIDING AT KUNDAHALLI,
K.R. PURAM HOBLI,
BANGALORE SOUTH

10. JITIN NADU KANDY
SON OF SRI KANARAN,
AGED ABOUT 50 YEARS,
RESIDING AT NO.533,
'B' BLOCK, AECS LAYOUT,
KUNDALAHALLI,
BANGALORE-560 037

11. T. GIRISH
SON OF SRI G. THIMMAREDDY,
AGED ABOUT 48 YEARS,
RESIDING AT NO.2878/2,
OLD NO. 106, 1ST MAIN,
80 FEET ROAD, HAL 2ND STAGE,
KODIHALLI,
BANGALORE-560 008.

12. T. TULSI KUMAR,
SON OF SRI G. THIMMAREDDY,
AGED ABOUT 45 YEARS,
RESIDING AT NO.2878/2,
OLD NO. 106, 1ST MAIN,
80 FEET ROAD, HAL 2ND STAGE,
KODIHALLI,
BANGALORE-560 008

...RESPONDENTS

(BY SRI.A.SAMPATH, ADVOCATE FOR C/R8
SRI.ANILKUMAR S., ADVOCATE FOR R11 AND R12)



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THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS OF O.S. NO.214/2010 IN THE COURT OF THE XI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BANGALORE, (CCH 8) AND SET ASIDE THE ORDER DATED OCTOBER 31, 2025, IN O.S. NO.214/2010 IN THE COURT OF THE XI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BANGALORE, (CCH 8), ON IA NO.23 AT ANNEXURE-G.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 31.10.2025 in I.A.No.23 and 24 in O.S.No.214/2010 by the XI Additional City Civil and Sessions Judge, Bangalore, the petitioner/defendant No.1 is before this Court.

2. The respondent No.1 herein, plaintiff in the suit had filed O.S.No.214/2010 seeking partition. The petitioner has not filed the written statement. Defendant No.1 has filed I.A. No. 23 to recall the order dated 29.07.2024 and to permit him to cross-examine PW.1. I.A. No. 24 is filed to reopen the case and to permit him to cross-examine PW.1. Defendant No.1's case is that the original memorandum of partition dated 08.03.1991 in respect of item No. 13 of the plaint schedule property was



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produced before the trial court and is in its custody. On notice issued by the plaintiff, it is contended that the said document is relevant to determine the nature of the property, that there is an opportunity to cross-examine PW.1 with reference to the said document, and that, to avoid prejudice and to meet the ends of justice, these applications are filed. The trial court dismissed these applications.

3. While dismissing these applications, the trial Court observed that defendant No.1 had not filed any written statement and that his right in that regard had long since been treated as closed. The same defendant had earlier filed I.A.Nos.13 and 14 on similar grounds, which were dismissed by the trial Court. Thereafter, similar applications were moved, i.e., I.A.Nos.21 and 22, and the present I.A.Nos.23 and 24, all seeking to reopen the case for cross-examination or the production of the same document. No new facts or changed circumstances have been shown to justify reopening. The alleged Memorandum of Partition dated 08.03.1991 is claimed to be in the court's custody. However, the applicant has not explained why the document was not produced earlier or



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sought to be relied upon during the plaintiff's evidence. Further, there is no satisfactory explanation regarding its admissibility or relevance sufficient to justify recall at this advanced stage. The repeated filing of applications on the same grounds, without new material or explanation, amounts to an abuse of the process of the Court. The delay is inordinate, the prejudice to other parties is evident, and no sufficient cause is shown to exercise the discretion under Order XVIII Rule 17 of the CPC. Accordingly, the applications filed by defendant No.1 were dismissed.

4. Learned counsel appearing for the petitioner submits that unless and until the document is marked and the plaintiff's evidence is reopened, it is difficult to prove that the property is a joint family property. It is submitted that the document is in the custody of the trial Court. Hence, the trial Court ought to have permitted the petitioner to cross-examine the plaintiff regarding the said document. It is submitted that the trial Court has failed to consider the applications in their proper perspective.



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5. Learned counsel appearing for respondents Nos.8, 11, and 12 submits that when the petitioner filed two applications to recall the order and to reopen the case for cross-examination of PW.1, the trial court dismissed them. It is submitted that when defendant No. 1 has not filed his written statement, the question of marking any evidence on his behalf would not arise. At best, he would be able to cross-examine the plaintiff. It is submitted that during cross-examination, he has already put forth questions relating to Item No. 13 of the suit schedule property. It is submitted that these kinds of applications are filed only to drag on the proceedings, and the trial court had rightly dismissed them.

6. Having heard the learned counsels on either side, perused the entire material on record. The suit is filed seeking partition. The defendant No.1 has failed to file his written statement. Earlier, the petitioner had cross-examined the plaintiff at length regarding Item No.13 of the suit schedule property. Now, the present applications are filed, stating that the said document is in the custody of the trial Court and that the case has to be reopened and he has to cross-examine



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PW.1. As per the submission of the learned counsel for respondent Nos.8, 11 and 12, the plaintiff has already been cross-examined, and I.A.Nos.21 and 22 filed by the petitioner were already dismissed. In those circumstances, this Court finds no reason to interfere with the order passed by the trial Court. Hence, this Court is passing the following order:

ORDER

- i. Accordingly, the writ petition is ***dismissed***.
- ii. All I.As. in this petition shall stand closed.

**SD/-
(LALITHA KANNEGANTI)
JUDGE**

MEG
List No.: 1 Sl No.: 55