



CNR: KAHC010084742026

NC: 2026:KHC:48811
CRP No. 90 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CIVIL REVISION PETITION NO. 90 OF 2026 (IO)

BETWEEN:

SRI S.BHUVANESH
S/O. LATE SAMPATH REDDY
AGED ABOUT 60 YEARS,
NO. 123/2, GROUND FLOOR
2ND MAIN, 2ND BLOCK,
GANESH MANDIR ROAD,
THYAGARAJANAGAR,
BANGALORE 560 028

...PETITIONER

(BY SMT.SMITHA PRAKASH, ADVOCATE)

AND:

SRI S.JAGADISH
S/O. LATE SAMPATH REDDY,
AGED ABOUT 56 YEARS,
NO. 123/3, 1ST FLOOR,
2ND MAIN, 2ND BLOCK,
GANESH MANDIR ROAD,
THYAGARAJANAGAR,
BANGALORE- 560 028

...RESPONDENT

(BY SMT.SRILAKSHMI, ADVOCATE FOR
SRI.C.S PRASANNA KUMAR, ADVOCATE)

THIS CRP FILED UNDER SEC.115 OF CPC., AGAINST THE
ORDER DATED 12.01.2026 PASSED ON IA NO.X IN OS
NO.5836/2016 ON THE FILE OF LXVII ADDITIONAL CITY CIVIL



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AND SESSIONS JUDGE, BENGALURU CITY., REJECTING THE IA NO.X FILED UNDER ORDER XII RULE 6 OF CPC.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

Aggrieved by the order dated 12.01.2026, passed in I.A.No.10 of O.S.No.5836/2016 by the LXVII Addl. City Civil & Sessions Judge, Bengaluru City (CCH-68), the petitioner is before this Court.

2. The petitioner, who is the defendant in the suit, has filed an application under Order XII Rule 6 of the CPC to pass a preliminary order on admission. That came to be dismissed by the order impugned.

3. The trial Court, while dismissing the application, observed that the defendant had cross-examined PW1 in full. When the case was posted for the defendants' evidence, the defendant filed the present application, and the trial Court referred to Order XII Rule 6 of the CPC. Because the case was posted for the defendants' evidence, it was unnecessary to



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address this application, and accordingly, the trial Court rejected it.

4. Learned counsel appearing for the petitioner submits that the trial Court failed to give any reasons and dismissed the application solely on the ground that the matter is posted for the defendant's evidence.

5. Even before the notice is ordered, learned counsel for the respondent/plaintiff has appeared, and it is submitted that all the objections have been placed before the trial Court. The trial Court, considering that the matter is posted for the defendants' evidence, has rightly dismissed the application, and there are no grounds to interfere.

6. Having heard the learned counsels on either side, perused the material on record. When an application is filed under Order XII Rule 6 of the CPC, the Court has to consider the case on the merits of the matter, and the trial Court cannot dismiss the application solely on the ground that the matter is posted for evidence. In the considered opinion of this Court, the order impugned needs to be set aside, and the matter shall be



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remanded to the trial Court. Accordingly, this Court is passing the following:

ORDER

- i. The order dated 12.01.2026 passed on I.A.No.10 in O.S.No.5836/2016 by LXVII Addl. City Civil & Sessions Judge, Bengaluru City (CCH-68) is **set aside** and the matter is **remanded back** to the trial Court for fresh consideration.
- ii. The trial Court shall consider the IA in accordance with law and shall pass orders within a period of four weeks from the date of receipt of copy of the order.
- iii. Accordingly, the Civil Revision Petition is **allowed.**
- iv. All pending I.As., in the petition shall stand closed.

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

PKN
List No.: 1 SI No.: 48