



CNR: KAHC010103122021

NC: 2026:KHC:44215
WP No. 4848 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 4848 OF 2021 (GM-CPC)

BETWEEN:

SRI USMAN KHAN,
SINCE DEAD BY LRS.

1(A) MRS. S. NOORUNNISE,
W/O. LATE K.OOSMAN KHAN @ USMAN KHAN,
AGED ABOUT 59 YEARS.

1(B) MR. MOHAMMED KHAN,
S/O. LATE K.OOSMAN KHAN @ USMAN KHAN,
AGED ABOUT 36 YEARS.

1(C) MR. MOHAMMED IDRIS KHAN,
S/O. LATE K.OOSMAN KHAN @ USMAN KHAN,
AGED ABOUT 33 YEARS.

PETITIONER NOS.1(A) TO 1(C) ARE
R/AT NO. U-57, 8TH MAIN ROAD,
PADARAYANAPURA,
BANGLAORE - 560 026.

1(D) MRS. SHEEBA SHEERIN KHANUM,
D/O. LATE K.OOSMAN KHAN @ USMAN KHAN,
AGED ABOUT 30 YEARS,
R/AT NO.22,
8TH MAIN ROAD,

Digitally signed
by
ANNAPURNA G
Location: High
Court of
Karnataka



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PADARAYANAPURA,
BENGALURU - 560 026.

...PETITIONER

(BY SRI. RAMESHCHANDRA, ADVOCATE FOR LR'S OF
DECEASED PETITIONER)

AND:

SMT. SUMITHRA,
AGED ABOUT 62 YEARS,
W/O SRI RAMAPPA,
R/AT NO.89,
PANTHARAPALYA, MYOSRE ROAD,
BANGLAORE - 560 039.

...RESPONDENT

(BY SRI. RAJASHEKHARA SEERI, ADVOCATE)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO-QUASH THE COSTS
IMPOSED IN ANNEXURE-A ORDER DATED 15.02.2021 PASSED
BY THE HONBLE XIV ADDITIONAL CITY CIVIL JUDGE, AT
BENGALURU (CCH-28) IN O.S.NO.5643 OF 2014 AND PERMIT
THE PETITIONER TO CROSS EXAMINE THE PW1 FURTHER, BY
ALLOWING THE IA AND ETC.,

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



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CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed challenging the order dated 15.02.2021 passed in O.S.No.5643/2014 by the XIV Additional City Civil Judge, Bengaluru (CCH-28) (hereinafter referred to as the 'trial Court' for short).

2. Heard Sri Rameshchandra, learned counsel appearing for the petitioner and Sri Rajashekhara Seeri, learned counsel appearing for the respondent.

3. The respondent filed a suit in O.S.No.5643/2014 seeking the relief of specific performance of the Agreement of Exchange of Property dated 19.05.2014. In the said suit, the petitioner/defendant filed a written statement. The parties adduced their evidence. After conclusion of the trial, the matter was posted for arguments.



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4. At that stage, the defendant filed I.A.No.9 under Order XVIII Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (for short, 'CPC') seeking to reopen the stage, recall PW-1 and sought permission for further cross-examination. A perusal of the affidavit accompanying the application and the grounds in the writ petition indicates that the defendant has stated that some of the important questions were missed out during the cross-examination of PW-1.

5. Taking note of the said aspect, I am of the view that one more opportunity needs to be provided to the defendant. This Court, vide order dated 09.03.2021, issued emergent notice to the respondent, stayed the proceedings in the suit and directed the petitioner to deposit a sum of Rs.5,000/-. It is stated that the said amount has been deposited.

6. Taking note of the same, I proceed to pass the following:



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ORDER

- a) The writ petition is ***allowed***.
- b) The impugned order dated 15.02.2021 passed in O.S.No.5643/2014 by the XIV Additional City Civil Judge, Bengaluru is hereby set aside.
- c) Consequently, I.A.No.9 filed by the defendant under Order XVIII Rule 17 read by Section 151 of the CPC is allowed.
- d) The defendant shall cross-examine PW-1 on the date fixed by the trial Court, and no further adjournment shall be granted, subject to the petitioner paying cost of Rs.5,000/- to the PW1.
- e) Petitioner No.1(b) is permitted to withdraw the amount in deposit before this Court to enable him to pay the costs as ordered.



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- f) PW-1 shall present before the Trial Court
on the next date of hearing or the date
fixed by the Trial Court.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

SHS
List No.: 1 Sl No.: 20